

**AN APPRAISAL OF THE NIGERIA LEGAL FRAMEWORK FOR THE  
PROTECTION OF RIGHTS OF VICTIMS OF TRAFFICKING IN PERSONS**

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### **CERTIFICATION**

This research project titled, “AN APPRAISAL OF THE NIGERIA LEGAL FRAMEWORK FOR THE PROTECTION OF RIGHTS OF VICTIMS OF TRAFFICKING IN PERSONS” by Felicia Amaka Anara meets the regulations governing the award of the degree of Bachelor of Laws LL.B (Hons.) of the National Open University of Nigeria and is approved for its contribution to knowledge and literary presentation.

I hereby certify that apart from other scholars’ work which has been duly referenced, the entire work is sequel to my personal research, and has not been presented for another degree elsewhere

*F. A. Anara*

.....

AUTHOR

## **APPROVAL**

THIS ESSAY HAS BEEN READ AND APPROVED AS MEETING THE REQUIREMENT  
OF THE FACULTY OF LAW, NATIONAL OPEN UNIVERSITY OF NIGERIA,  
NIGERIA SECURITY AND CIVIL DEFENCE STUDY CENTRE ABUJA, FOR THE  
AWARD OF THE BACHELOR OF LAWS DEGREE LL.B (HONS.).

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## **DEDICATION**

I dedicate this Research Essay Project to the loving memory of my late husband, MR  
EMMANUEL CHUKWUNYELU ANARA for his unparalleled quest for knowledge  
and he spurred me into taking the path of this noble profession.

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## **LIST OF ABBREVIATION**

|        |                                                                             |
|--------|-----------------------------------------------------------------------------|
| ACHPR  | African Charter on Human and People's Rights                                |
| ACRWC  | African Charter on the Rights and Welfare of the Child                      |
| CEDAW  | Convention on the Elimination of All Forms of Discrimination against Women, |
| CRC    | Convention on the Rights of the Child                                       |
| ECOWAS | Economic Community of West African States                                   |
| ICCPR  | International Covenant on Civil and Political Rights                        |
| ICESCR | International Covenant on Economic, Social and Cultural Rights              |
| ILO    | International Labour Organisation                                           |
| NAPTIP | National Agency for the Prohibition of Trafficking in Persons               |
| SIF    | Strategic Implementation Framework                                          |
| IOM,   | International Organisation for Migration                                    |
| NIS    | The Nigeria Immigration Service                                             |
| TIP    | Trafficking In Person                                                       |
| TPRO   | Trafficking in Persons for the Removal of Organs                            |
| UNODC  | United Nations Office on Drugs and Crime                                    |
| UNTOC  | United Nations Transnational Organized Crime Convention                     |
| UDHR   | Universal Declaration of Human Rights                                       |
| VTF    | Victim Trust Fund                                                           |
| VoTs   | Victims of Trafficking                                                      |

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## ABSTRACT

*Trafficking in person is a form of modern-day slavery that has increasingly become an open sore to the body of our common humanity. It is a crime that violates the inalienable rights of victims of trafficking. This scourge is ravaging many parts of the world including Africa despite national, regional and global efforts to combat and eradicate the menace. Nigeria has the largest number of victims of trafficking principally due to Nigeria's population and the prevailing push and pull factors responsible for the menace of Human Trafficking which can be seen in all sections of the Nigerian state. Thousands of victims of this menace are identified every year by NAPTIP and some are not identified or chose not to report to the necessary institution for fear of being mocked and blamed Amidst the various provisions in the Palermo Protocol and subsequent enactments of some of the victim protection provisions in the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015, the rights of victims are continuously violated. They are treated in the least humane ways and are left to the society to suffer all sort of psychological trauma and subsequent penury. Amidst the institutional response by NAPTIP to establish a counselling and Rehabilitation departments and their quest to fulfil the policy documents and strategies to address the issues of victims of Trafficking in person, there are still many challenges facing the protections of victims of Trafficking in Person they include but not limited to challenges in identification of victims especially at the recruitment stage, corruption from the institution involved to shield the*

*traffickers, Poor coordination between NAPTIP and other players, lack of adequate victim protection mechanism in the provision of shelter and other forms of rehabilitation methods etc, lack of witness protection for a victim, etc. A Human Right centered victim protection approach will go a long way in addressing the plight of the victim and other relevant recommendations that includes but not limited to adequate mechanism to identify the victims and the factors causing trafficking in persons, the influx of more funding of the activities of NAPTIP to empower them establish the necessary infrastructure to cater and protect victims of Trafficking, a wider enlightenment of citizens of Nigeria on the Palermo evil of trafficking in person and the understanding that victims of trafficking in person are part and parcel of our common brotherhood and the need not to stigmatize and ridicule them and other recommendations.*



## CHAPTER ONE

### INTRODUCTION

#### 1.0 BACKGROUND OF THE STUDY

Human trafficking is an increasing global problem that has existed for ages in the form of slavery, though slavery is believed to have been abolished in 1807.<sup>1</sup> Slavery is a legacy of colonialism and imperialism; serving as the fuel to agricultural industries up on till the end of the 19<sup>th</sup> century. Freeing of slaves took political acts by government (first in Europe and then, the Americas)<sup>2</sup>. Human trafficking involves the trans-boundary movement of human beings, especially girls, boys and children as a result of misrepresentation, fraud, and/or coercion for purposes of forced labour, servitude and sex tourism. It is often characterized by recruitment, transfer, transportation, and reception or harbouring of the victims. The main purpose of the trafficking is to exploit the victims<sup>3</sup>. Trafficking in Persons, as a form of modern-day slavery, involves the illegal trade of people for exploitation or commercial gain. Human trafficking is a lucrative criminal enterprise, generating \$150 billion annually in profits worldwide.<sup>4</sup> Two thirds of this figure (\$99 billion) is generated from commercial sexual exploitation, while another \$51 billion results from forced economic exploitation, including domestic work, mining, factories, agriculture and other economic activities.<sup>5</sup>

The inhabitants of Africa had experienced slavery and inhuman treatment. For instance, an estimated 11.5 million people were taken from their ancestral homes as slaves to other parts of the world using trickery, banditry, warfare, and kidnapping as modes of operation<sup>5</sup>. Slave capturing and exporting milked Africa of millions of its able, strongest and most capable youths

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<sup>1</sup> Job Ngwe and O Elechi, "Human Trafficking: The Modern-Day Slavery of the 21 St Century" (2012) 6 African Journal of Criminology and Justice Studies: AJCJS 1  
<[https://www.umes.edu/uploadedFiles/\\_WEBSITES/AJCJS/Content/6%201%202%20ngwe%20and%20elechi%20proof.pdf](https://www.umes.edu/uploadedFiles/_WEBSITES/AJCJS/Content/6%201%202%20ngwe%20and%20elechi%20proof.pdf)> accessed February 11, 2022.

<sup>2</sup> Introduction and, History of human trafficking and modern-day slavery (2018), P.9

<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention Against Organised Crime 2000, Article 2 [hereinafter referred to as the Human Trafficking Protocol]

<sup>4</sup> Human Rights First, "How to Disrupt the Business of Human Trafficking - Blueprint for the Administration" (www.unodc.org2015)  
<[https://www.unodc.org/e4j/data/\\_university\\_uni/\\_how\\_to\\_disrupt\\_the\\_business\\_of\\_human\\_trafficking\\_-\\_blueprint\\_for\\_the\\_administration.html?lng=en](https://www.unodc.org/e4j/data/_university_uni/_how_to_disrupt_the_business_of_human_trafficking_-_blueprint_for_the_administration.html?lng=en)> accessed February 11, 2022.

<sup>5</sup> Kalu, V.E. *International Juridical Response to 21<sup>st</sup> Century Slavery: Challenges for Nigeria's Comatose Legislature*. In: Chukkol, K.S., et al. (eds.) *Contemporary Issues in Nigeria Law*, Ahmadu Bello University, Zaria, Law Journal (2003) p.143.

between the ages of 15 and 25<sup>6</sup>. That is, between 15<sup>th</sup> and 19<sup>th</sup> centuries, the productive segments of the African society were shipped out of Africa, and in some sense, this permanently weakened the continent.

Notwithstanding the presence of constitutional laws, domestic laws and domestication of international treaties, the promulgation of the child's right Act in 2003, trafficking in persons serves as a good source of income, producing approximately \$10 billion a year. The gain in it appears much with few loses and that attracted a lot of people engaging in it. There have been various push factors responsible for human trafficking in Nigeria and Ghana; these are notable high trafficking zones in Africa<sup>7</sup>

Human trafficking in Nigeria can be traced to the colonial period in the 15<sup>th</sup> century when the Europeans, especially Portuguese slave merchants, arrived aboard slave ships and launched the Trans-Atlantic slave Trade in Nigeria. The British Forces invaded Lagos in 1851 and formally annexed it in 1861. Nigeria became a British protectorate in 1901. Colonization lasted until 1960, when an independent movement succeeded in gaining Nigeria its independence. The slave trade of old has retained much of its element - forceful conscription, purchase and sale of human beings for labour and sex exploitation - and has metamorphosed into what is at present known as Trafficking in persons or Modern-day slavery<sup>8</sup>.

In the West African sub-region, the phenomenon of trafficking in persons is widespread, and Nigeria occupies a central position as a country of origin, transit and destination for victims of trafficking<sup>9</sup>. In Nigeria, populations susceptible to trafficking are on the steady increase due to rise in socio-economic crises, and this pose a potential supply chain of victims to traffickers. An important characteristic of the Nigerian trafficking system is the use by traffickers of threats of voodoo curses to control Nigerian victims and force them into situations of prostitution<sup>10</sup>. The fear of breaking the pact is so strong that it creates a powerful hold over the victims, and thus discourages them from seeking for help from people and other relevant authorities.

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<sup>6</sup> Elikia, M., *The Impact of the Slave Trade on Africa-Le Monde-Diplomaque* (2013), English Edition. p. 9

<sup>7</sup> Nigeria Immigration Service Personnel Training Resource Center. *Trafficking in Persons Key Determinants of Trafficking in Africa*

<sup>8</sup> Nigeria country report on human trafficking

<sup>9</sup> United States Department of State to Monitor and Combat Trafficking in Persons, 2014 *Trafficking in Persons Report – Nigeria*. <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226790.htm>

<sup>10</sup> K. Siddharth. *Sex Trafficking: Inside the Business of Modern Slavery*. Columbia university press. P.90

Nigerian victims of trafficking, some of whom are women and girls, are mostly recruited for domestic servitude and sex trafficking, while boys are generally forced to work on plantations or commercial farms, construction, quarries and mines, or engaged in petty crimes and drug trade. Nigerian victims are taken to other West and Central African countries (Cote d' Ivoire, Mali, Benin, Equatorial Guinea, Cameroon, Gabon and Guinea), as well as South Africa. Women and girls from Benin City in Edo state Nigeria are subjected to forced prostitution and trafficked to mainly Italy<sup>11</sup> and other notable countries like Spain, Belgium, Greece, Slovakia, Sweden, France, Ireland, Turkey, Finland, Germany, Netherland, Switzerland, and the Czech Republic. Nearly every part of the desperate journey a victim of trafficking in persons make from Nigeria to Europe, across the Sahara Desert and the Mediterranean, are filled with perils and nightmares.

To curb the menace of trafficking in Persons in Nigeria, the Government of the Federal Republic of Nigeria have passed several legislations and institutional frameworks to tackle the challenges posed by human traffickers. Such laws include the 2003 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (amended in 2005) and re-enacted in 2015, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the Criminal Code and Penal Code, the Child Rights Act 2003, the Nigeria Immigration Service (NIS), the Nigeria Custom Service, the Nigeria Police Force (NPF), the Court, Ministry of Justice etc.

### **1.1 STATEMENT OF RESEARCH PROBLEM**

The prosecution of perpetrators of Trafficking in Persons in Nigeria has been militated by a number of factors ranging from corruption, inadequate enforcement of the prohibiting laws, and paucity of funds. The effect is that most traffickers are left without apprehension whereas; victims of these crimes fail to obtain remedies for the violation of their human right. It is against this backdrop that this work will evaluate the plethora of legal frameworks adopted by Nigerian government to improve protection of rights of victims and conviction of traffickers by court of competent jurisdiction.

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<sup>11</sup> It is estimated that 60-80 percent of all immigrants working in the commercial sex industry in Italy were Nigerians with a substantial number in Netherlands and Spain. Olujuwon O. "Combating Trafficking in Person: A Case Study of Nigeria European". Journal of Scientific Research, 2008; 24 (1): 23 - 32

Secondly, it will also examine why the pull and push factors of this cancerous societal menace persist despite institutional advocacy and strategies adopted at all levels of government and synergy within relevant agencies and stakeholders.

## **1.2 AIMS AND OBJECTIVES**

The Aim of this research is to show the role of law in punishing traffickers, reducing or eliminating trafficking and rehabilitation of victims of Trafficking in Persons in Nigeria. This is with the view of achieving the following goals:

1. To examine the legal framework on Trafficking in persons.<sup>12</sup>
2. To examine the application of the laws using the institutional framework.
3. To establish findings on the application of the laws to prohibit Trafficking in Persons as well as the victims of trafficking in Nigeria.
4. To proffer recommendations based on the findings of the research.

## **1.3 RESEARCH METHOD**

Doctrinal research methodology is purely research of several doctrines and principles of law. It involves, in its entirety the systematic analysis of legal principles and rules and the rational ordering of legal rules and propositions. It gives clear emphasis on the current positions of the substantive legal rules, concepts, doctrines and judicial pronouncement on this subject. The research will place heavy reliance on the primary sources like statutes rather than case laws as most case laws are cases decided from the lower court. Emphasis will be placed on the Palermo Protocol, the Trafficking in Person (Prohibition) Enforcement and Administration Act 2015 and the 1999 Constitution of the Federal Republic of Nigeria as Amended.

Legal research are most times not complete without some secondary source of legal research being employed. Textbooks and articles of scholars on this subject and related subject will be consulted to help embellish this research. Law reports and legal periodicals will also be consulted. These will help the research reach a clear understanding of the protection of the victims of crimes of trafficking in person.

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<sup>12</sup> Criminal Code Act, Penal Code Act, Labour Act, Immigration Act and Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015

## **1.4 SIGNIFICANCE OF THE STUDY**

This work focuses basically on problems associated with trafficking in persons in Nigeria. It is justifiable on the ground that there should be periodical research from time to time in order to show the efficacy of the role of the laws in prohibiting human trafficking in Nigeria. Therefore, this research would be of immense assistance as a source of reference material to law students, and lecturers, legal practitioners, judges and non- governmental organisations that are concerned with prevention and eradication of trafficking in persons in Nigeria. It will be of assistance to the institutions charged with responsibilities of combating trafficking in persons and it would provoke further research. Equally, the study will provide a soft-landing pad for trafficked victims to be enlightened on available laws to be relied on for their alienable rights and available remedies. This will hit the ground running for such persons and concerned relatives.

## **1.5 SCOPE AND LIMITATION**

This research work is restricted to trafficking in persons in Nigeria with particular focus on victims of trafficking in person. This research will not set out on a voyage to treat every issue relating to trafficking in person. Thus, emphasis is placed on Trafficking in Persons (Prohibition) Enforcement and Administration Act (2015)<sup>13</sup> and National Agency for the Prohibition of Trafficking in Persons to reinforce the point about protection of victims of trafficking in person.

Furthermore, references were also made to other relevant legal frameworks such as, the 1999 Constitution of the Federal Republic of Nigeria (as amended), Criminal Code, Penal Code, Immigration Act (2015), Child Rights Act (2003), etc. This research is limited by weak statistical database and limited case laws on Trafficking in Persons in research

## **1.6 SYNOPSIS OF CHAPTERS**

This research is divided into five chapters:

**Chapter One** is an introductory chapter which deals with background of the research, research problem, aim and objectives of the research, research method, significance and scope of the research which is Nigeria, its limitations, and conceptual definition of terms.

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<sup>13</sup> The Act came into force on the 26 March, 2015.

**Chapter Two** concentrates on nature of trafficking in persons, and various trends of trafficking in persons. Trafficking in persons as a crime and violation of human rights and root causes of Trafficking in Persons were discussed, while offering objective critique of studies executed in the area of study aimed at shaping the work.

**Chapter Three** deals with the examination of legal frameworks aimed at combating the act of trafficking in persons in Nigeria. Consequently, the Constitution of Federal Republic of Nigeria 1999 (as amended in 2011), the Trafficking in Persons (Prohibition) Enforcement and Administration Act, Criminal Code, Penal Code, Child Right Act and other relevant legislations including International Instruments were extensively examined.

**In Chapter Four** trafficking as a violation of human rights was examined. An in-depth examination of the roles and efforts of the National Agency for the Prohibition of Traffic in Persons, the Nigeria Police, and the Nigerian Immigration Service as it relates to the crime of Trafficking in Person. An appraisal of judicial attitudes and also the prospects and challenges faced.

**Chapter Five** concludes the research by way of summary, conclusions and recommendations to the problems identified in the research.

## **1.7 CONCEPTUAL DEFINITION OF TERMS**

### **Meaning of Trafficking in Person:**

Human trafficking involves the recruitment, transportation, harbouring and receipt of persons usually for illicit purposes.<sup>14</sup> The United Nations Office on Drugs and Crime (UNODC) recognises that human trafficking occurs both domestically and across national borders.<sup>15</sup> International agreement on what constitutes “trafficking in persons” is very recent. In fact, it was not until the late 1990s that states began the task of distinguishing trafficking from other practices with which it was commonly associated with, such as facilitated irregular migration. The first-ever agreed definition of trafficking was incorporated into the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially as it concerns women and children; supplementing the United Nations Convention against Transnational Organized Crime (Trafficking Protocol).<sup>16</sup> This is popularly known as “The Palermo Protocol” This

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<sup>14</sup> Bloomsbury Professional, “Kaine Agary on Human Trafficking in Nigeria” (law.bloomsburyprofessional.com2018) <<https://law.bloomsburyprofessional.com/blog/human-trafficking-nigeria>> accessed February 15, 2022.

<sup>15</sup> Ibid

<sup>16</sup> Mohamed Mattar, “Comprehensive Legal Approaches to Combating Trafficking in Persons: An International and Comparative Perspective” <<https://www.icmec.org/wp->

definition has since been incorporated into many other legal and policy instruments, as well as national laws.

Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines ‘Trafficking in Persons’ as:

‘The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.’<sup>17</sup>

The Trafficking in Person (Prohibition) Enforcement and Administration Act 2015 defined Trafficking in Person thus:

“All acts and attempted acts involved in the recruitment, transportation within or across Nigerian borders, purchases, sales, transfer, receipt or harbouring of a person involving the use of force, deception, coercion, or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in forced or bonded labour, or in slavery like condition.”

The crime of trafficking thus has three constituent elements: the act, the means and the purpose. To prove trafficking, at least one action from each of the three columns must be proven.<sup>18</sup> This definition is used by the police, prosecutors and the court system to identify who is a trafficking victim. In difficult or borderline cases, legal actors may also turn to the international definition of trafficking in the UN Trafficking Protocol to seek clarity because the definition is slightly

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content/uploads/2015/10/The\_Protection\_Project\_Comprehensive\_Approaches\_to\_THB.pdf> accessed February 15, 2022.

<sup>17</sup> Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime (2000)

<sup>18</sup> United Nations Office on Drugs and Crime, “Anti-Human Trafficking Manual for Criminal Justice Practitioners: Module 1” (2009) <[https://www.unodc.org/documents/human-trafficking/TIP\\_module1\\_Ebook.pdf](https://www.unodc.org/documents/human-trafficking/TIP_module1_Ebook.pdf)>.

broad than the Nigerian legal definition and included trafficking for the removal of organs.<sup>19</sup> The failure to include trafficking for the removal of organ in the Trafficking in Person (Prohibition) Enforcement and Administration Act 2015 is a serious misnomer as this type of trafficking is rampaging the world and has left so many victims helpless.

International law provides a different definition for trafficking in children (i.e., persons under 18 years of age). The “means” element is not required in this case. It is necessary to show only: (i) an “action” such as recruitment, buying and selling; and (ii) that this action was for the specific purpose of exploitation. In other words, trafficking of a child will exist if the child was subjected to some act, such as recruitment or transport, the purpose of which is the exploitation of that child.

Trafficking was traditionally associated with the movement of women and girls into sexual exploitation. The legal definition set out above makes clear that men and women, boys and girls can all be trafficked—and that the range of potentially exploitative practices linked to trafficking is very wide. The list of examples set out in the definition is open-ended and new or additional exploitative purposes may be identified in the future. The definition covers internal as well as cross-border trafficking. That is, it is legally possible for trafficking to take place within a single country, including the victim’s own. Trafficking is not the same as migrant smuggling. Migrant smuggling involves the illegal, facilitated movement across an international border for profit. While it may involve deception and/or abusive treatment, the purpose of migrant smuggling is to profit from the movement, not the eventual exploitation as in the case of trafficking. The definition of trafficking identifies movement as just one possible way that the “action” element can be satisfied. Terms such as “receipt” and “harbouring” mean that trafficking does not just refer to the process whereby someone is moved into situations of exploitation; it also extends to the maintenance of that person in a situation of exploitation.<sup>20</sup>

**Human Rights:** Human rights are the freedom and benefits that accrue to all human beings.<sup>21</sup> All human beings should be able to claim whatever rights that are provided in the laws of a given society especially those that are Constitutional in nature. Human rights are divine rights originating from God and all human being possess and should enjoy these rights by virtue of

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<sup>19</sup> United Nations Office of Drug and Crime, “New Issue Paper on the International Legal Definition of Trafficking in Persons” (United Nations: Office on Drugs and Crime 2019) <<https://www.unodc.org/unodc/en/human-trafficking/webstories2018/new-issue-paper-on-the-international-legal-definition-of-trafficking-in-persons.html>> accessed February 15, 2022.

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<sup>21</sup> United Nations, “Human Rights” (United Nations) <<https://www.un.org/en/global-issues/human-rights#:~:text=Human%20rights%20are%20rights%20inherent>> accessed February 15, 2022.

their humanity. These are inalienable rights that impose obligations on others for their respect and people are born with these rights<sup>22</sup>

Human right is a claim which one person can bring against another to the extent that by exercising that right, he or she is not preventing someone else from exercising theirs.<sup>23</sup> “Human rights” are legal entitlements which every person, as a human being possesses.<sup>24</sup> They are universal and belong to everyone, rich or poor, male or female.<sup>25</sup>

For instance, the court averred in *Ransome Kuti vs. Attorney General of the Federation* (2001) that:

Human Rights is a right which stands above the ordinary laws of the land and which, in fact, is antecedent to political society itself. It is a primary condition to a civilized existence and has been entrenched in Nigeria’s constitution, so that the rights would be “immutable” to the extent of the non-immutability of the Constitution itself<sup>26</sup>.

**Victims of trafficking:** The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power defines victims as;

persons who individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within member states, including those laws prohibiting criminal abuse of power<sup>27</sup>.

Under section 82 paragraph 23 of the Nigerian Anti-Trafficking in Persons Act, a victim of trafficking means any trafficked person<sup>28</sup>. There are three categories of victims of trafficking:

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- Trafficked children below the age of 18 years (boys and girls).
- Trafficked adult women, who are above the age of 18 years

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<sup>22</sup> M. Ese, *The Nigerian Constitutional Law*, Lagos Princeton Publishing Co, 2006

<sup>23</sup> *Opua JSC*, in *Kuti v. A. G. Federation* (1985)8NWLR (Pt. 6)211.

<sup>24</sup> The first, identical, sections of the Preambles to the Universal Declaration of Human Rights of Decembers 10, 1948, and of the two international Covenants of civil, political economic, social and cultural rights of 1966.

<sup>25</sup> Vienna Declaration adopted by the World conference on Human Rights (1993), Part I, paragraphs 5,18-30.

<sup>26</sup> *Global Journal of Politics and Law Research* p.10 Vol.4, No.1, pp.9-17. February 2016

<sup>27</sup> The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Art. 1.

<sup>28</sup> Trafficking in persons(prohibition) Enforcement and Administration Act section 82, paragraph 23

- Trafficked men, who are adult males or above the age of 18 years.

This categorization was taken care of when the earliest draft of the UN trafficking Protocol limited its application to trafficking in women and children. At the very first negotiation session, states, inter-governmental organisations, NGOs argued that this approach was unnecessary, restrictive and failed to take into cognisance that men were also trafficked. Following a recommendation of the AD-HOC committee, the UN general assembly subsequently agreed to modify the mandate of the committee, so as to enable the scope of the proposed protocol be expanded to cover trafficking in persons; especially women and children<sup>29</sup>.

In Nigeria, any child, woman or man that is recruited, transported within or across Nigeria's borders, purchased, sold, transferred, received or harboured by fraudulent means or by the use of deception, coercion or debt bondage for exploitative purpose or for the purpose of placing or holding the person in servitude in force of bonded labour, or in slavery – like conditions, is a victim of trafficking<sup>30</sup>.

The foregoing reveals that since trafficking is a crime and a human rights violation, all trafficked children, women and men are essentially therefore, victims of crime, of human rights violation and of trafficking.

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<sup>29</sup> UN Gen. Ass. Res. 54/126 (1999) For additional details on these issues, see UN Doc. A/AC.254/30 (2000). E/CN.15/2000/4(2000), 1.34.

<sup>30</sup> See the combined effect of Article 3(a) UN Trafficking Protocol and section 50 of the Nigerian Anti-Trafficking in Persons Act, *supra* notes 9 and 24.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.0 INTRODUCTION.**

Human trafficking is a crime that has plagued the entire globe and Nigeria is not an exception. International legal and institutional frameworks have been put in place at all levels to curtail the effect of this crime and punish perpetrators. This chapter will examine the nature of human trafficking, the types of human trafficking committed around the globe, the element of the offence of human trafficking, the fact that trafficking is a violation of human rights, and the root causes of human trafficking which include both the economic, political, legal and social factors. A review of important literatures will be undertaken to ascertain researches made in this area and the contributions of those authors to the body of knowledge on Human trafficking.

#### **2.1 NATURE OF TRAFFICKING IN PERSONS.**

Trafficking in human beings, aptly described as modern slavery, is one of the most tragic human rights issues of our time. It is a global scourge of phenomenal proportion that has grave implications for national and international security.<sup>31</sup> It has been estimated that annually, about 2.5 million people are trafficked globally.<sup>32</sup> The International Labour Organisation (ILO) has estimated that 24.9 million victims are presently trapped in modern-day slavery: 16 million (64%) exploited for labour; 4.8 million (19%) sexually exploited; and 4.1 million (17%) in state – imposed forced labour. The statistics also shows that 71% of trafficked victims worldwide are women and girls, while 29% are men and boys.<sup>33</sup> Bizarre as it is, human trafficking is extremely lucrative; after drugs and weapons, it is the third biggest source of revenue of organised crime, generating an annual profit of roughly \$150 billion.<sup>34</sup> Traffickers and syndicates are in a complex and invidious network that has defied international coalition efforts.<sup>35</sup> The victims are intricately trapped in a web that looks like an octopus with ubiquitous

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<sup>31</sup> Leo Enahoro Otoide, “Nature and Management of Human Trafficking: The Nigerian Edo People’s Experience” in Rufus Akinyele and Ton Dietz (eds), *Crime, Law and Society in Nigeria: Essays in Honour of Stephen Ellis* (Brill 2019) <[https://doi.org/10.1163/9789004396289\\_007](https://doi.org/10.1163/9789004396289_007)> accessed November 2, 2021.

<sup>32</sup> Ibid

<sup>33</sup> International Labour Organization, “Forced Labour, Modern Slavery and Human Trafficking (Forced Labour, Modern Slavery and Human Trafficking)” (Ilo.org2018) <<https://www.ilo.org/global/topics/forced-labour/lang-en/index.htm>> accessed November 2, 2021.

<sup>34</sup> Ibid

<sup>35</sup> Ibid

mode of operation that defies local and international coalitions to disentangle them. Its dimensions and damaging consequences are mindboggling.

Nigeria is internationally known to be the origin; take-off point and destination of several victims of human trafficking around the world<sup>36</sup>. Nigeria is currently estimated to be the largest human trafficking hub in the world: thousands of Nigerians, most of them women and young girls, become victims of sexual and labour exploitation each year.<sup>37</sup> Nigeria ranks 32/167 of the countries with the highest number of slaves – 1,386,000<sup>38</sup> – and its National Agency for the Prohibition of Trafficking in Persons (NAPTIP) reports that the highest number of trafficked children in Nigeria are girls between the ages of 12-17<sup>39</sup>. NAPTIP further contends that 75% of those who are trafficked within Nigeria are trafficked across states, while 23% are trafficked within states. Only 2% of those who are trafficked are trafficked outside the country,<sup>40</sup> It is the third most common crime in Nigeria after drug trafficking and economic fraud.<sup>41</sup>

The menace of human trafficking crops up within the Nigerian borders, in neighbouring states, and in several European borders owing to the fact that they are able to convey women and children within a syndicate network in order to expand their markets.<sup>42</sup>

In the last three decades, trafficked Nigerian victims are usually recruited from rural areas and most of them, women and girls are used for various sexual exploitations, domestic servitude, and the boys among them are boys for forced labour in domestic servitude, and alms begging<sup>43</sup>. These women, young girls and children, are transported or conveyed from Nigeria to other West and Central African states, particular countries like Togo, the Gambia, Cameroon, Ghana, Chad, Benin, Niger, Burkina Faso, among others. Also, victims from West African

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<sup>36</sup> Alaka Oladipo, Inemesit Udongwo and Memabasi Udowoima, “The Continued Scourge of Human Trafficking in Nigeria: A Case for an Effective Law Enforcement” [2021] SSRN Electronic Journal <<https://ssrn.com/abstract=3829532>> accessed September 5, 2021.

<sup>37</sup> DEVATOP CENTRE ADVOCATES TO END HUMAN TRAFFICKING IN NIGERIA, “Human Trafficking in Nigeria” (The Borgen Project July 25, 2020) <<https://borgenproject.org/devatop-centre-for-african-development-advocates-to-end-human-trafficking-in-nigeria/>> accessed November 2, 2021.p

<sup>38</sup> Global Slavery Index, “Country Data | Global Slavery Index” ([www.globalslaveryindex.org](http://www.globalslaveryindex.org)2018) <<https://www.globalslaveryindex.org/2018/data/country-data/nigeria/>>.

<sup>39</sup> “Nigeria: Human Trafficking Factsheet” (pathfindersji.org2020) <<https://pathfindersji.org/nigeria-human-trafficking-factsheet/>>.

<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> Temitope Francis Abiodun, Marcus Temitayo Akinlade and Olanrewaju Abdulwasii Oladejo, “The State and Challenges of Human Trafficking in Nigeria: Implications for National Peace and Security” (2021) 11 Journal of Public Administration and Governance 110 <<https://www.arjhss.com/wp-content/uploads/2019/01/A210110.pdf>> accessed August 4, 2021.

<sup>43</sup> Samuel Ajagun, “Implications of Human Trafficking for Human Rights: The Case of Nigeria” (2021) 12 Global Journal of Human Science, Arts and Humanities, <[https://globaljournals.org/GJHSS\\_Volume12/3-Implication-of-Human-Trafficking-for.pdf](https://globaljournals.org/GJHSS_Volume12/3-Implication-of-Human-Trafficking-for.pdf)> accessed November 2, 2021.

states like Ghana, Benin, and Togo where there is easy entry protocol as stipulated by the Economic Community of West African States (ECOWAS) – are usually forced to work when conveyed to Nigeria while others are subjected to harmful jobs like mining. Meanwhile, various Nigerian women and young ladies are conveyed to the various countries in Europe, most especially Italy and Russia, the Middle East and North Africa, for forced prostitution and domestic exploitations<sup>44</sup>

Human trafficking in Nigeria affects individuals across various age groups, genders and geographical locations within Nigeria. However, children and women dominated the category of victims that were rescued (inside and outside Nigeria) by NAPTIP in 2019. Half of the rescued individuals were children, 44 % women and 6 % men. Girls constituted almost 75 % of the rescued children. These data also include children rescued from other situations than exploitation, as NAPTIP also intervenes in family disputes and custody battles, for instance<sup>45</sup>

## 2.2 TYPES OF TRAFFICKING IN PERSON

The various types of trafficking in person include:

- I. **Bonded labour:** Also referred to as debt bondage, occurs when a person has to work to pay back an inherited debt, or when a debt is incurred as part of the terms of employment. Debts often occur when an individual or family have to borrow from moneylenders and employers. This may be to pay for culturally important events such as a funeral, wedding or dowry, or simply for basic living costs. The worker's labour becomes repayment for an initial loan. The circumstances of the bonded labour may become additionally exploitative when the value of the work is greater than the loan.<sup>46</sup> Bonded labour has existed for hundreds of years. Debt bondage was used to trap indentured labourers into working on plantations in Africa, the Caribbean and South-East Asia, following the abolition of the Transatlantic Slave Trade.<sup>47</sup> Bonded labour is most widespread in South Asian countries such as India and Pakistan. Often entire

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<sup>44</sup> Temitope (n.12) 119

<sup>45</sup> European Asylum Support Office (EASO), EASO Nigeria Trafficking in Human Beings Country of Origin Information Report (2021) <[https://reliefweb.int/sites/reliefweb.int/files/resources/2021\\_04\\_EASO\\_COI\\_Report\\_Nigeria\\_Trafficking\\_in\\_Human\\_Beings.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/2021_04_EASO_COI_Report_Nigeria_Trafficking_in_Human_Beings.pdf)> accessed May 1, 2021.

<sup>46</sup> World Vision Action, "Factsheet: Understanding Human Trafficking and Slavery" (World Vision Action 2012) <<https://www.worldvision.com.au/docs/default-source/buy-ethical-fact-sheets/understanding-human-trafficking-fact-sheet.pdf?sfvrsn=2>> accessed January 29, 2020.

<sup>47</sup> "What Is Bonded Labour? - Anti-Slavery International" (Anti-Slavery International 2018) <<https://www.antislavery.org/slavery-today/bonded-labour/>> accessed November 3, 2021.

families have to work to pay off the debt taken by one of its members. Sometimes, the debt can be passed down the generations and children can be held in debt bondage because of a loan their parents had taken decades ago.

- II. **Forced Labour:** Forced Labour is when a person is forced or threatened into providing labour or services and is not free to stop. It often occurs when employers take advantage of vulnerable people such as those affected by poverty, high rates of unemployment, discrimination, corruption, political conflict, or lack of education or knowledge of their rights. Irregular migrants are particularly vulnerable, but individuals also may be forced into labour in their own countries.<sup>48</sup> According to the ILO Forced Labour Convention, 1930 (No. 29), forced or compulsory labour is: "all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily."<sup>49</sup> Forced labour is the most common element of modern slavery. It is the most extreme form of people exploitation. Although many people associate forced labour and slavery with physical violence, in fact the ways used to force people to work are more insidious and ingrained in some cultures.<sup>50</sup>
- III. **Hazardous or exploitative child labour:** This is work that deprives children of their childhood, their potential and their dignity; work that exceeds a minimum number of hours; work that is mentally, physically, socially or morally dangerous and harmful to children; and work that interferes with their schooling.<sup>51</sup>
- IV. **Sex trafficking:** This occurs when an adult is forced into (or maintained in) a situation of sexual exploitation. Sex trafficking is a form of modern-day slavery in which individuals perform commercial sex through the use of force, fraud, or coercion. Minors under the age of 18 engaging in commercial sex are considered to be victims of human trafficking, regardless of the use of force, fraud, or coercion.<sup>52</sup> Sex traffickers frequently target victims and then use violence, threats, lies, false promises, debt bondage, or other forms of control and manipulation to keep victims involved in the sex industry for their own profit.<sup>53</sup> Sex trafficking exists within diverse and unique sets of venues and businesses including fake message businesses, escort services, residential brothels, in

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<sup>48</sup> World Vision Action (n.46)

<sup>49</sup> Convention C029 - Forced Labour Convention, 1930 (No. 29) ([www.ilo.org](http://www.ilo.org)).

<sup>50</sup> "Forced Labour. What Is Forced Labour? - Anti-Slavery International" (Anti-Slavery International 2016) <<https://www.antislavery.org/slavery-today/forced-labour/>> accessed November 3, 2021.

<sup>51</sup> World Vision Action (n.46)

<sup>52</sup> National Human Trafficking Hotline, "Sex Trafficking" (National Human Trafficking Hotline December 31, 2017) <<https://humantraffickinghotline.org/type-trafficking/sex-trafficking>> accessed November 3, 2021.

<sup>53</sup> Ibid

public on city streets and in truck shops, strip clubs, hostess clubs, hotels and motels, and elsewhere.<sup>54</sup>

The International Labour Organization and Walk Free Foundation, in partnership with IOM, estimate that there are 4.8 million people trapped in forced sexual exploitation globally<sup>55</sup>

- V. **Forced Marriage: Articles 1 and 2 of the United Nations Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery**<sup>56</sup> equate forced marriage to slavery. Forced marriage is an institution or practice where individuals don't have the option to refuse or are promised and married to another by their parents, guardians, relatives or other people and groups. Early marriage is the forced marriage of a child, usually defined internationally as an individual under the age of 18.<sup>57</sup> Sometimes called servile marriage, forced marriage also occurs when a wife is forcibly transferred to another in exchange for some type of payment or when a widow is given no choice and inherited by one of her husband's male relatives. The key piece to forced marriage is that at least one of the marrying parties does not give his or her consent. There is no agreed age upon international minimum age for marriage consent. However, most countries set the limit at 15 or 18 years old.<sup>58</sup>
- VI. **Involuntary Domestic Servitude:** This occurs when a domestic worker becomes ensnared in an exploitative situation from which they are unable to escape. The exploitation can include inadequate wages and working conditions; however, it is also the real or perceived restriction of freedom, trapping the individual in servitude through violence, coercion,

Child Soldiers are children that are unlawfully recruited – through force, fraud, or coercion – as combatants or for labour or sexual exploitation by armed forces. Perpetrators may be government forces, paramilitary organizations, or rebel groups.

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<sup>54</sup> Ibid

<sup>55</sup> ILO, "Global Estimates of Modern Slavery Forced Labour and Forced Marriage in Partnership With" (ILO 2017)

<[https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf)>.

<sup>56</sup> "OHCHR | Supplementary Convention on the Abolition of Slavery" (www.ohchr.org)

<<http://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx>> accessed November 3, 2021.

<sup>57</sup> End Slavery Now, "Forced Marriage | Trafficked through Marriage - End Slavery Now"

(Endslaverynow.org2003) <<http://www.endslaverynow.org/learn/slavery-today/forced-marriage>> accessed November 3, 2021.

<sup>58</sup> Ibid

Many children are forcibly abducted. Others are unlawfully made to work as porters, cooks, guards, servants, messengers or spies. **Article 38(3) of the Convention on the Rights of the Child**<sup>59</sup> prohibiting the recruitment of children below the age of 15 is similarly interpreted as banning voluntary enlistment of such children and, hence, completely outlawing child soldiers.

Between 2005 and 2020, more than 93,000 children were verified as recruited and used by parties to conflict, although the actual number of cases is believed to be much higher.<sup>60</sup>

**VII. Trafficking for the removal of organs:** According to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children: "Exploitation shall include, at a minimum, the removal of organs". Trafficking in Persons for the Removal of Organs (TPRO) includes the removal of organs as an end purpose of trafficking. TPRO occurs across the globe and may be stepped up with the increase of transplant practices and poor regulation on these practices. For instance, the issue of forced removal of organs in the context of trafficking in persons and migrant smuggling in North-Eastern Africa gained renewed international attention in July 2016<sup>61</sup>

Global Financial Integrity (GFI) estimates that 10 percent of all organ transplants including lungs, heart and liver, are done via trafficked organs.<sup>62</sup> However, the most prominent organs that are traded illicitly are kidneys, with the World Health Organization (WHO) estimating that 10,000 kidneys are traded on the black market worldwide annually, or more than one every hour<sup>63</sup>

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<sup>59</sup> Treaties, States parties, and Commentaries - Convention on the Rights of the Child, 1989 (ihl-databasesicrcorg).

<sup>60</sup> UNICEF, "Children Recruited by Armed Forces" ([www.unicef.org](http://www.unicef.org) September 3, 2020) <<https://www.unicef.org/protection/children-recruited-by-armed-forces>> accessed November 3, 2021.

<sup>61</sup> "Human-Trafficking-Fund\_projects\_removal of Organs" (United Nations: Office on Drugs and Crime) <[https://www.unodc.org/unodc/en/human-trafficking-fund/human-trafficking-fund\\_projects\\_removal-of-organs.html](https://www.unodc.org/unodc/en/human-trafficking-fund/human-trafficking-fund_projects_removal-of-organs.html)> accessed November 3, 2021.

<sup>62</sup> Dev Kar and Joseph Spanjers, "Transnational Crime and the Developing World Channing May" (2016) 1 Transnational Crime <[http://www.gfintegrity.org/wp-content/uploads/2017/03/Transnational\\_Crime-final.pdf](http://www.gfintegrity.org/wp-content/uploads/2017/03/Transnational_Crime-final.pdf)> accessed November 3, 2021.

<sup>63</sup> Denis Campbell and Nicola Davison, "Illegal Kidney Trade Booms as New Organ Is 'Sold Every Hour'" (the Guardian December 1, 2017) <<https://www.theguardian.com/world/2012/may/27/kidney-trade-illegal-operations-who>> accessed November 3, 2021.

## 2.3 ELEMENTS OF TRAFFICKING

Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.<sup>64</sup>Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>65</sup>Therefore, the elements of trafficking in person are stated below as follows:

- a) A person becomes a human trafficker if he or she does any of the following acts for the purpose of exploitation:
- Recruits another person for the purpose of exploitation.
  - Transports or transfers another person. Transporting involves moving a person to another place in order to exploit them. A trafficked person may travel normally — and legally, with a passport, if they’re crossing a border — by bus, car, air, train, or other means of transportation. In other cases, to prevent exposure, the trafficker may force them to travel illegally and/or in dangerous and uncomfortable ways, such as in the trunk of a car.
  - Transferring occurs when the trafficked person is transferred from one person to another.
  - Harbours or receives another person for the purpose of exploitation. Harbouring or receiving occurs when a human trafficker hides or houses a trafficked person — and keeps them under control — in order to exploit them. It can also be done if the trafficker Receive, give/receive benefit, control etc<sup>66</sup>
- b) Using one or more of the following means<sup>67</sup>:

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<sup>64</sup> “Human Trafficking” (www.unodc.org) <<https://www.unodc.org/nigeria/en/human-trafficking.html>> accessed November 7, 2021.

<sup>65</sup> Ibid

<sup>66</sup> Victim Services and Crime Prevention, “Element 1: The Act or Acts of Human Trafficking, or What Is Done - Province of British Columbia” (www2.gov.bc.ca2014) <<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/human-trafficking/human-trafficking-training/module-1/element-1-acts>> accessed November 7, 2021.

<sup>67</sup> Victim Services and Crime Prevention, “Element 2: The Means of Human Trafficking, or How It Is Done - Province of British Columbia” (www2.gov.bc.ca2014) <<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/human-trafficking/human-trafficking-training/module-2/element-2-means>> accessed November 7, 2021.

- Traffickers use a variety of tactics to get a trafficked person to do what they want and to maintain control, including the use of:
- Violence or Threats of Violence Against the Person or Her Friends and Family: A trafficker will often use violence or the threat of violence as a control tactic. The trafficked person may be made to fear that they or their loved ones will be sexually assaulted, beaten, or killed, or may be forced to witness the beatings or sexual assaults of others to make sure they comply with the trafficker's demands.
- Coercion: A trafficker may coerce another person through fear, such as the fear of being returned to a war-torn home, being separated from loved ones, or losing immigration status.
- Abduction: Abduction is the act of leading someone away by force or lies.
- Fraud: Fraud is a knowing misrepresentation of the truth that induces another person to act to his or her detriment. In the context of human trafficking, fraud may involve a transaction where a trafficker dupes a person into paying for forged or false travel documents or work visa, or for a false employment contract, in the belief these documents are legitimate in the destination country. The trafficker may also charge an illegal fee for a job that doesn't exist. The trafficked person may have borrowed money from her trafficker to pay for the fraudulent documents or employment contract. The trafficked person is then in a situation of debt bondage to her trafficker, who may then also require her to pay the money back at a high interest rate or with additional fees and penalties as time goes on.
- Deception: A trafficker may deceive a person into being trafficked by telling her that a well-paid job and good working conditions—or for a young person, a modelling contract or a singing career—await her in another place, when in fact she may be exploited for sex or labour. Youth and children, especially, are more easily deceived because they are less aware of the risks of trafficking. Parents can also be deceived into letting their children go with traffickers if they believe their children are being offered a better life.
- Abuse of Power: A trafficker who is in a position of control or authority over another—such as a spouse, a parent, or a teacher—may abuse his or her power to exploit that other person.

c) The purpose or purposes for which traffickers use the people they traffic may vary, but the ultimate goal of all traffickers is the same: they exploit other human beings for profit — which can be a financial gain or material benefit.<sup>68</sup> Traffickers exploit others for a variety of purposes:

- Sexual Exploitation: A person trafficked for sexual exploitation is forced to provide sexual acts against their will for the financial benefit or material gain of the trafficker.

- Forced Labour: This includes thus:

"All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." (ILO Convention on Forced Labour). In the context of human trafficking, a person trafficked for forced labour is made to work for little or no pay, or may be paid a full wage, but then forced to return most of it in cash to the trafficker. The work may be in a legitimate setting, such as a farm, factory, or restaurant, or in an illegal setting, such as a drug lab or sweatshop.

Forced labour might also involve using a person as a drug mule — forcing them to transport and deliver drugs— sometimes across international borders. Children are often exploited in this way. Forced labourers often work and live in the same location, and work under sub-standard, unhealthy and unsafe conditions with little or no protective gear. The U.N. 2012 Global Report on Human Trafficking estimates the presence of forced labour in the Americas: "Forced labour is common in the Americas, accounting for 44 per cent of cases of detected victims. Sexual exploitation was involved in slightly more than half of detected cases. Most victims detected in the Americas are female. Children account for about 27 per cent of detected trafficking victims in the region."

- Domestic Servitude: Domestic servitude is a form of forced labour and is defined as slavery or bondage. A person trafficked as a domestic servant may be forced to clean the house, do the laundry, cook meals, maintain the lawns and gardens, and look after the children, elderly relatives, and pets. Most trafficked domestic servants

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<sup>68</sup> "Element 3: The Purpose of Exploitation, or Why It Is Done - Province of British Columbia" (Gov.bc.ca2020) <<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/human-trafficking/human-trafficking-training/module-1/element-3-purpose>>.

are required to be available at all times and work every day, for little or no pay, and they are often verbally, physically, and sexually abused by members of the household. The trafficked person may have no control over their travel or identity documents, such as their passport, which may be confiscated by the employer/trafficker.

- **Forced or Coerced Organ Removal:** Kidneys, livers, and hearts in particular are in high demand around the world for people who need a replacement of organ, but cannot find a legitimate organ donor. The organ removal is often conducted in clandestine clinics, with little or no attention given to the trafficked person's post-operative care. The organ is then sold on the international black market for large amounts of money; if the trafficked person survives the surgery, they may receive a tiny portion of that money.

## **2.4 TRAFFICKING AS A VIOLATION OF HUMAN RIGHTS**

The links between human rights and the fight against trafficking are well established.<sup>69</sup> From its earliest days to the present, human rights law have unequivocally proclaimed the fundamental immorality and unlawfulness of one person appropriating the legal personality, labour or humanity of another.<sup>70</sup> Human rights law has prohibited discrimination on the basis of race and sex; it has demanded equal or at least certain key rights for non-citizens; it has decried and outlawed arbitrary detention, forced labour, debt bondage, forced marriage, and the sexual exploitation of children and women; and it has championed freedom of movement and the right to leave and return to one's own country.<sup>71</sup> Many of the practices associated with modern-day trafficking are clearly prohibited under international human rights law, regional and national laws. Some of these laws includes:

- The Universal Declaration of Human Rights 1948
- International Covenant on Civil and Political Rights, 1966

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<sup>69</sup> Abiodun Ashiru, "Human Trafficking and Human Rights in Nigeria: Examining the Domestic and International Legal Framework." [2021] Researchgate <[https://www.researchgate.net/profile/Abiodun-Ashiru/publication/348183056\\_Human\\_Trafficking\\_and\\_Human\\_Rights\\_in\\_Nigeria\\_Examining\\_the\\_Domestic\\_and\\_International\\_Legal\\_Framework/links/6154560414d6fd7c0fb9bf23/Human-Trafficking-and-Human-Rights-in-Nigeria-Examining-the-Domestic-and-International-Legal-Framework](https://www.researchgate.net/profile/Abiodun-Ashiru/publication/348183056_Human_Trafficking_and_Human_Rights_in_Nigeria_Examining_the_Domestic_and_International_Legal_Framework/links/6154560414d6fd7c0fb9bf23/Human-Trafficking-and-Human-Rights-in-Nigeria-Examining-the-Domestic-and-International-Legal-Framework)> accessed November 7, 2021.

<sup>70</sup> Ibid

<sup>71</sup> Human Rights and Human Trafficking, United Nations Office of the Human Rights Commissioner Factsheet No. 36, (United Nations, New York and Geneva, 2014) 4. Available at [https://www.ohchr.org/Documents/Publications/FS36\\_en.pdf](https://www.ohchr.org/Documents/Publications/FS36_en.pdf), accessed November 6, 2021.

- International Covenant on Economic, Social and Cultural Rights, 1966
- Convention on the Elimination of All Forms of Discrimination against Women, 1979
- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Convention on the Rights of the Child, 1989
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 (Trafficking Protocol)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000
- United Nations Convention against Transnational Organized Crime, 2000
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
- The African Charter on the Rights and Welfare of the Child<sup>72</sup>

Amongst the various rights violated in the course of human trafficking or in the business of human trafficking, these rights discussed below are more crucial and they are as follows:

#### **2.4.1 Right to life**

The right to life finds its most general recognition in the Universal Declaration of Human Rights. Article 6 of the International Covenant on Civil and Political Rights recognizes the inherent right of every person to life, adding that this right "shall be protected by law" and that "no one shall be arbitrarily deprived of life".<sup>73</sup> In accordance with article 2 of the Universal Declaration of Human Rights and articles 2 and 26 of the International Covenant on Civil and Political Rights, and pursuant to several other United Nations declarations and conventions, everyone is entitled to the protection of the right to life without distinction or discrimination of any kind, and all persons shall be guaranteed equal and effective access to remedies for the violation of this right. Many victims of trafficking lose their lives due to many factors. For instance, when trafficking is done for the removal of organ, the surgery is carried out mostly

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<sup>72</sup> "Human Trafficking: A Human Rights Violation" (Laboratory to Combat Human Trafficking December 10, 2018) <[https://www.combathumantrafficking.org/2018/12/human-trafficking-human-rights-violation/?\\_\\_cf\\_chl\\_jschl\\_tk\\_\\_=nXjWzP6Q2vK76Ag\\_fQ.paLNwLGmKXM1pnVzgh0fx.Y0-1636297054-0-gaNycGzNGP0](https://www.combathumantrafficking.org/2018/12/human-trafficking-human-rights-violation/?__cf_chl_jschl_tk__=nXjWzP6Q2vK76Ag_fQ.paLNwLGmKXM1pnVzgh0fx.Y0-1636297054-0-gaNycGzNGP0)> accessed November 7, 2021.

<sup>73</sup> The Universal Declaration of Human Rights, Article 3.

by non-medical experts and this endangers the life of the victim and it may result to death. This is a blatant violation of human rights since the victim's right to life is deprived arbitrarily. The laws provide the circumstances under which the right to life may be deprived and trafficking is not one of such.<sup>74</sup>

In Nigeria, the extant constitution guarantees right to life as it provides that every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.<sup>75</sup> The permissible circumstances upon which the right to life can be deprived are provided for under several laws in the country but trafficking is not one of such.<sup>76</sup>

#### **2.4.2 The right to liberty and security**

Right to Personal Liberty and Security and Freedom from Arbitrary Arrest and Detention comes under the purview of Human Rights whether it is under the Domestic Law or International Law. The right to personal liberty requires that persons not be subject to arrest and detention except as provided for by law, and provided that neither the arrest nor the detention is arbitrary. The right applies to all forms of detention where people are deprived of their liberty. The right to security requires the country to provide reasonable measures to protect a person's physical security. The right to security of the person and freedom from arbitrary detention is contained in article 9 of the International Covenant on Civil and Political Rights (ICCPR). Article 9 also provides a number of other rights for persons who are arrested or detained. Under the Nigerian legal system, the right to personal liberty is guaranteed under the constitution which provides that every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law.<sup>77</sup> Even though the said provision affords of several exceptions, none of the provisions can accommodate the practice of human trafficking.<sup>78</sup>

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<sup>74</sup> Article 4, paragraph 2 of the International Covenant on Civil and Political Rights provides that exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any derogation from the right to life and security of the person.

<sup>75</sup> Constitution of the Federal Republic of Nigeria 1999, s.33.

<sup>76</sup> Ashiru (n.69)

<sup>77</sup> Ibid, section 35.

<sup>78</sup> Ashiru (n.69)

### **2.4.3 The right to dignity of human person**

The right to dignity of human person presupposes that human beings shall be free from slavery, servitude, forced labor or bonded labor. The right to freedom from slavery prohibits people being held in conditions in which the powers attaching to the right of ownership are exercised. The right to freedom from forced labor requires that a person be free from work or service that is compelled under the threat of penalty and which the person has not offered to perform voluntarily. The ICCPR in one of its articles provides that no one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited and no one shall be held in servitude. It also provides that no one shall be required to perform forced or compulsory labor.<sup>79</sup> The right to dignity of the human person is guaranteed under the Nigerian constitution. The constitution provides that every individual is entitled to respect for the dignity of his person, and accordingly and no person shall be subject to torture or to inhuman or degrading treatment. Further, the provision provides that no person shall be held in slavery or servitude and no person shall be required to perform forced or compulsory labor.<sup>80</sup>

### **2.4.4 The right to freedom of movement**

The right to free movement which is the right to move freely within a territory where a person finds himself is guaranteed under the ICCPR.<sup>81</sup> The Covenant provides that everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. This is the right that is mostly violated when people are trafficked. The movement of the victims of trafficking is always confined as they have lost their liberty to move freely. Similarly, the Nigerian constitution provides that every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereby or exit therefrom.<sup>82</sup>

Other rights include:

- The prohibition of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status
- The right to be free from gender violence
- The right to freedom of association

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<sup>79</sup> International Covenant on Civil and Political Rights, Article 8.

<sup>80</sup> Constitution of the Federal Republic of Nigeria 1999, s.34.

<sup>81</sup> International Covenant on Civil and Political Rights, Article 12.

<sup>82</sup> Constitution of the Federal Republic of Nigeria 1999, s.41.

- The right to the highest attainable standard of physical and mental health
- The right to just and favourable conditions of work
- The right to an adequate standard of living
- The right to social security
- The right of children to special protection<sup>83</sup>

## **2.5 ROOT CAUSES OF HUMAN TRAFFICKING.**

Causes of trafficking are typically characterised as either ‘push’ or ‘pull’ factors. Socio-economic factors in source countries such as poverty, gender inequality and lack of employment opportunities are seen as ‘push’ factors that not only encourage the migration of women, but also support a profitable market for a trade in human labour. ‘Pull’ factors in destination countries typically include the promise of a more affluent lifestyle, the availability of employment opportunities and the demand for cheap labour.<sup>84</sup> In general, root causes of human trafficking world-wide include those which are economic, those that stem from social exclusion and gender discrimination and those which are political, legal or result from conflict.<sup>85</sup> The root causes are divided into the push and pull factors for trafficking in person.

### **Push Factors**

The above factors do not, in general, make a person vulnerable rather, it's an interplay of different factors that cause a person to be lured and deceived by the trafficker.

#### **2.5.1 Poverty and natural disasters**

Traffickers lie, promising jobs and stability in order to recruit their victims. Upon their arrival to another state or region, captors take control. More often than not, they are held in places where victims do not want to make their home. Traffickers look for people who are susceptible to coercion into the human trafficking industry. Those people tend to be migrants, fleeing their homes either because of economic hardship, natural disasters, conflict or political instability. The displacement of populations increases individuals’ emotional vulnerability, and frequently

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<sup>83</sup> Katharina. Kiener-Manu, “Trafficking in Persons & Smuggling of Migrants Module 6 Key Issues: International Legal Framework” (Unodc.org2019) <<https://www.unodc.org/e4j/en/tip-and-som/module-6/key-issues/international-legal-framework.html>> accessed November 8, 2021.

<sup>84</sup> ibid

<sup>85</sup> U.S. Catholic Sisters Against Human Trafficking, “Root Causes of Human Trafficking” <<https://ipjc.org/wp-content/uploads/2016/09/USCSAHT%20-%20HT%20and%20Root%20Causes%20module.pdf>> accessed November 8, 2021.

they do not have the financial support to protect themselves.<sup>86</sup> This makes them subject to abuse through trafficking<sup>87</sup>

### **2.5.2 Women and children are targets**

In some societies, the devaluation of women and children make them far more vulnerable to trafficking than men. Traditional attitudes and practices, early marriage and lack of birth registration further increase the susceptibility of women and children. They are also targeted because of the demand for women in sex trafficking. A report by Equality Now states that 20.9 million adults and children are bought and sold worldwide into commercial sexual servitude, forced labour and bonded labour. Women and girls make up 98 percent of the victims trafficked for sexual exploitation.<sup>88</sup>

### **2.5.3 Demand for cheap labour**

The service industry, particularly restaurants and kitchens, are common exploiters of human trafficking. There is also a demand for cheap domestic and agricultural labour. Employees are often initially promised a safe work space and a steady salary, only to later find that they are paid less than minimum wage and worked over time. Business owners guilty of this behaviour continue to practice these illegal norms because the victims of trafficking can rarely protect themselves and they have very few alternatives.<sup>89</sup>

### **2.5.4 Human trafficking generates a huge profit**

According to the ILO, the human trafficking industry generates a profit of \$150 billion per year. Two-thirds is made from commercial sexual exploitation, while the remainder comes from forced economic exploitation such as domestic work and agriculture. Human trafficking is the fastest-growing and second-largest criminal industry in the world, after drug trafficking.

### **2.5.5 Cases of human trafficking are difficult to identify**

Some challenges in identifying victims of human trafficking arise because victims are well-hidden or highly traumatized. Those that are traumatized are unlikely to divulge information to investigators either because they are scared to confront law enforcement, or because some of the factors that have necessitated this include the desire of potential victims to migrate is

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<sup>86</sup> Shashi Punam, “Human Trafficking: Causes and Implications” (ResearchGate January 2018) <[https://www.researchgate.net/publication/338457522\\_Human\\_Trafficking\\_Causes\\_and\\_implications](https://www.researchgate.net/publication/338457522_Human_Trafficking_Causes_and_implications)> accessed November 8, 2021.

<sup>87</sup> Ibid

<sup>88</sup> Clint Borgen, “5 Prevailing Causes of Human Trafficking | the Borgen Project” (The Borgen Project January 10, 2018) <<https://borgenproject.org/5-causes-of-human-trafficking/>> accessed November 8, 2021.

<sup>89</sup> Ibid

exploited by offenders to recruit and gain initial control or cooperation, only to be replaced by more coercive measures once the victims have been moved to another State or region of the country, which may not always be the one to which they had intended to migrate. Some of the common factors are local conditions that make populations want to migrate in search of better conditions: poverty, oppression, lack of human rights, lack of social or economic opportunity, dangers from conflict or instability and similar conditions. Political instability, militarism, civil unrest, internal armed conflict and natural disasters may result in an increase in trafficking. They are too troubled to respond. Consumers of human trafficking also contribute to the crime's hidden nature according to a report by the Urban Institute. Both traffickers and consumers are aware of the huge risk they take by participating in this illegal behaviour and will do them best to cover up any illicit activity.<sup>90</sup>

#### **2.5.6 Political conditions**

Political instability, militarism, generalized violence or civil unrest can result in an increase in trafficking as well. The destabilization and scattering of populations increase the vulnerability to unfair treatment and abuse via trafficking and forced labour.<sup>91</sup>

#### **2.5.7 Social and Cultural practices**

Many societies and cultures devalue, abuse and exploit women and girls, creating perilous living conditions for these women. With little opportunities of upward mobility and with little value placed on women and girls; they are more vulnerable to human trafficking.<sup>92</sup>

#### **2.5.8 Terrorism and War**

Armed conflicts can lead to massive forced displacements of people. When a particular locality has been troubled by incessant terrorist attacks, the population might tend to avail themselves to be trafficked. On the other hand, War creates large numbers of orphans and street children who are especially vulnerable to trafficking. Their families have either passed away or are fighting a war, complicating child-rearing<sup>93</sup>

Some other causes include Corruption and indifference at the level of government agencies weaker law enforcement, breaking down of traditional sources of occupation or means of livelihood, Globalization etc<sup>94</sup>

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<sup>90</sup> Clint Borgen, "5 Prevailing Causes of Human Trafficking | the Borgen Project" (The Borgen Project January 10, 2018) <<https://borgenproject.org/5-causes-of-human-trafficking/>> accessed November 8, 2021.

<sup>91</sup> Shelley L, Human Trafficking: A Global Perspective (Cambridge University Press 2010)

<sup>92</sup> Ibid

<sup>93</sup> Ibid

<sup>94</sup> Christine Bruckert and Colette Parent, "Trafficking in Human Beings and Organized Crime: A Literature Review" <[https://documentation.lastradainternational.org/lisidocs/bruckert\\_02\\_crime\\_0708.pdf](https://documentation.lastradainternational.org/lisidocs/bruckert_02_crime_0708.pdf)> accessed December 3, 2021.

### **Pull Factors.**

PULL factors as they have an element of attraction and influence. They include Labour market opportunities, Opportunity to send home remittances<sup>95</sup>

**2.5.9 Higher Wages and Demand for Labour:** After the economic restructuring, the conventional sources of livelihood have shrunk presenting fewer opportunities to unskilled labour force in their place of residence. The earlier migrants return with the narratives detailing higher wages and comfortable life in the cities or abroad.<sup>96</sup>

Many a times, they tend to hide the problems they face and exaggerate the employment prospects, while it is also true that some cities offer higher wage rate to its labour force than what they get in their own villages by working as skilled or unskilled labour or as agricultural labour. Cities with its focus on improvement of infrastructure and also boom in real estate have created demand for both unskilled and skilled labour force. Now, it is quite obvious that a person will get influenced by the offer of higher wages and good conditions of employment. The traffickers know this and exploit it to serve their interest.<sup>97</sup>

**2.5.10 Improved Communications/Connectivity:** Generally, improved communication and infrastructure like roads, railways and bridges result in connectivity of people living in remote and interior parts of the country to the mainstream of development. On one hand, there is public demand for better road and railway connectivity and on the other hand, governments also focus on building newer roads and bridges and taking railways to interiors of the country. With improved connectivity, people's migration is also induced. Unfortunately, not all the migrations are safe and many of them can be vulnerable to trafficking.

**2.6.11 Images of better Urban Life portrayed by Media:** The media promotes and propagates consumerist culture through its visuals and the use of semantics. The films that youth are generally attracted to also portray a better image of cities where living is earning huge money and making merry. The films also stereotype the rural-urban migration by showing how the rustic village fellow who makes it big in the city and returns to his roots only when he becomes wealthy and powerful. Earlier, the films showed male youth leaving their villages for cities, but recently films have started portraying female youth into such roles. In almost all the films, the image of a city is portrayed as something which is welcoming, embracing and is the panacea for all material ills. Attracted to these images, the youths and even adolescents leave

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<sup>95</sup> “UNIT 7 PUSH and PULL FACTORS Structure”

<<http://egyankosh.ac.in/bitstream/123456789/39296/3/Unit-7.pdf>> accessed December 3, 2021.

<sup>96</sup> Ibid

<sup>97</sup> Ibid

for cities and towns for better prospects and better life for themselves and those who they leave behind. Many of these youth fall prey to traffickers who approach them as recruiting agents and promise the same better life that are generally portrayed and reinforced through media. There are also factors like perceived freedom from a bad home and opportunity to send home remittances<sup>98</sup>

## **2.6 Review of Literature.**

This work has consulted some very relevant literatures and some of them are discussed below: The book '*Human Trafficking: A Global perspective*'<sup>99</sup> by Louise Shelley examines all forms of human trafficking globally, revealing the operations of the trafficking business and the nature of the traffickers themselves. Using a historical and comparative perspective, it demonstrates that there is more than one business model of human trafficking and that there are enormous variations in human trafficking in different regions of the world. Drawing on a wide body of academic research - actual prosecuted cases, diverse reports and field work and interviews conducted by the author over the last sixteen years in Asia, Latin America, Africa, Europe and the former socialist countries - Louise Shelley concludes that human trafficking will grow in the twenty-first century as a result of economic and demographic inequalities in the world, the rise of conflicts and possibly global climate change. Coordinated efforts of government, civil society, the business community, multilateral organizations and the media are needed to stem its growth. This book will be important to this research as the issue of human trafficking is transnational and concerns the world in general. The book did not therefore discuss the Nigerian perspective to the human trafficking and how Nigerians in particular are severely affected by the vice.

In the book edited by Rufus Akinyele and Ton Dietz '*Crime, Law and Society in Nigeria, Essays in Honour of Stephen Ellis*' has a chapter titled 'Nature and Management of Human Trafficking: The Nigerian Edo People's Experience'<sup>100</sup> by Leo Enahoro Otoide. The study is on the nature and management of human trafficking in Edo State, considered as the hub of human trafficking in Nigeria. A study of the historical background, conceptual clarifications,

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<sup>98</sup> Kopalapillai Amirthalingam and others, "Victims of Human Trafficking in Sri Lanka: Narratives of Women, Children and Youth 1" (2011) <[https://editorialexpress.com/cgi-bin/conference/download.cgi?db\\_name=IAFFE2011&paper\\_id=75](https://editorialexpress.com/cgi-bin/conference/download.cgi?db_name=IAFFE2011&paper_id=75)> accessed December 1, 2021.

<sup>99</sup> Christopher Greeley, *Human Trafficking: A Global Perspective*, vol. 2 (Cambridge University Press 2012) <<http://digitalcommons.library.tmc.edu/cgi/viewcontent.cgi?article=1041&context=childrenatrisk>> accessed December 3, 2021.

<sup>100</sup> Leo Enahoro Otoide, "Nature and Management of Human Trafficking: The Nigerian Edo People's Experience" in Rufus Akinyele and Ton Dietz (eds), *Crime, Law and Society in Nigeria: Essays in Honour of Stephen Ellis* (Brill 2019) <[https://doi.org/10.1163/9789004396289\\_007](https://doi.org/10.1163/9789004396289_007)> accessed November 2, 2021.

and overviews help to place the Edo phenomenon in context. It shows that the Edo experience is neither inherent in Edo culture, nor is the trade peculiar to its people, but a national scourge that continues to exacerbate in the face of growing societal inadequacies: unemployment, political instability, greed and gross class differentials. It goes further to show that there are far-reaching institutional policy interventions and enlightenment, even by traditional institutions, aimed at curtailing the scourge as well as rehabilitating and reintegrating victims of human trafficking. This work will help this research because it discussed Human trafficking from a Nigerian experience. The work did not discuss in details the legislative framework for human trafficking.

In the Journal Article by Temitope Francis Abiodun, Marcus Temitayo Akinlade, Olanrewaju and Abdulwasii Oladejo titled “*The State and Challenges of Human Trafficking in Nigeria: Implications for National Peace and Security*”<sup>101</sup> the authors state that Trafficking in person is an organized crime and a modern form of slavery. They hinted that the two methods used by traffickers to get their victims are deception and through force. Human trafficking has continued to thrive in Nigeria because of shameful connivance among the Nigeria’s security agencies, Embassies, airline officials and human traffickers. The study adopts Marcus Felson and Lawrence Cohen’s Routine Activity and the Kevin Bales’ Modern Slavery theories (1979; 1999). 500 copies of questionnaire were administered to a set of purposively selected respondents with the In-Depth Interview Guide to elicit information on the subject. The study in its findings reveals that human trafficking has continued to thrive in Nigeria because of connivance from the security, immigration, embassy, airline officials and traffickers while the menace has put Nigeria’s identity black in the global system. The study therefore recommended that the Nigerian government should swiftly endeavour to address the issue of massive unemployment and poverty in the state as well as create enabling environments for entrepreneurship for the citizenry; also the national laws, international conventions and protocols that have legal potencies to curb trafficking must be implemented or strengthened; and finally, fighting human trafficking in Nigeria requires more efforts to create public awareness of the crime, organize counselling, rehabilitation and re-integration program for the victims.

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<sup>101</sup> Temitope Francis Abiodun, Marcus Temitayo Akinlade and Olanrewaju Abdulwasii Oladejo, “The State and Challenges of Human Trafficking in Nigeria: Implications for National Peace and Security” (2021) 11 Journal of Public Administration and Governance 110 <<https://www.arjhss.com/wp-content/uploads/2019/01/A210110.pdf>> accessed August 4, 2021.

In the book” *Transnational Trafficking and the Rule of Law in West Africa: A Threat Assessment*”<sup>102</sup> the UNODC stated that West Africa suffers from a combination of factors that make it vulnerable to organized crime like human trafficking. It is one of the poorest regions on earth. In many countries, governance is weak. The region is located along illicit trafficking routes and criminal groups can recruit foot soldiers from a large pool of desperate youth. West Africa is under attack, from within and especially from abroad. It is time for the world - and the governments concerned - to respond to the threat before more of the common wealth is stolen, more lives are lost, and before criminality deepens its penetration of state institutions and society at large.

In “*Bilateral Cooperation and Human Trafficking: Eradicating Modern Slavery Between the United Kingdom and Nigeria*” a Book by May Ikeora. The book presents a case study of human trafficking from Nigeria to the UK, with a focus on practical measures for ending this trafficking. The study addresses the many aspects of human trafficking, including sexual exploitation, domestic servitude, labour exploitation, benefit fraud, and organ harvesting. Despite the huge investment of the international community to eradicate it, this form of modern-day slavery continues, and the author urges stakeholders to focus not only on criminals but also on attitudes, cultures, laws and policies that hinder the eradication of modern slavery.

The electronic journal titled ‘*The Continued Scourge of Human Trafficking in Nigeria: A Case for an Effective Law Enforcement*’<sup>103</sup> by Dr. Alaka Oladipo and others understands that Nigeria is internationally known to be the origin, take-off point and destination of several victims of human trafficking around the world. They highlighted the reasons for the continued scourge of Human trafficking and advocate for the strengthening of existing legislation and the enforcement of existing legislation to address the heinous problem of human trafficking in Nigeria.

The book “Toolkit to Combat Trafficking in Persons” by the United Nations Office on Drugs and Crime, is based on the premise that the problem of trafficking in persons can only be addressed effectively on the basis of comprehensive strategies that are based on human rights

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<sup>102</sup> United Nations Office on Drugs and Crime, *Transnational Trafficking and the Rule of Law in West Africa: A Threat Assessment*. (United Nations Office on Drugs and Crime 2009).

<sup>103</sup> Alaka Oladipo, Inemesit Udongwo and Memabasi Udowoima, “The Continued Scourge of Human Trafficking in Nigeria: A Case for an Effective Law Enforcement” [2021] SSRN Electronic Journal <<https://ssrn.com/abstract=3829532>> accessed September 5, 2021.

and that take into account the transnational nature of the problem, the many associated criminal activities, the frequent involvement of organised criminal groups and the profound pain, fear and damage suffered by the victims.

In the journal article titled “*Implications of Human Trafficking for Human Rights: The Case of Nigeria*” by Dr. Samuel Olushola Ajagun<sup>104</sup>, the implications of human trafficking for Human Rights in Nigeria were examined. The paper stated that in an already crestfallen nation the added burden of crime of human trafficking which are infringements on the fundamental human rights of Nigeria, now transcend subliminal trauma and for most parents in Nigeria, the fear of sudden disappearances of their sons, daughters and wards of being trafficker victims are real and palpable. The paper examined the nature of human trafficking, how does it affect the human rights of Nigerians, and how to manage it with a view of preserving human rights in Nigeria. It was discovered that human trafficking is a crime against humanity. Recommendations were made on how it could be managed in order not to infringe on fundamental human rights of Nigerians.

## **2.7 CONCLUSION**

This chapter is able to capture the nature of human trafficking both from a global perspective to how it pertains to Nigeria and the research is clear that the crime of human trafficking is still perpetrated in Nigeria at a high rate. Pertaining to the types of human trafficking, trafficking for sex seems to be more peculiar to Nigeria as Nigerians are trafficked to other parts of Nigeria and outside Nigeria for sexual purposes. The trafficking for the removal of organ has also become very popular around the world due to the demand for organs. This chapter shows that trafficking in person is serious violations of the various fundamental human rights including right to life, right to liberty, right to dignity of human person etc. The chapter also highlighted the general root causes of human trafficking world-wide which include some factors that are economic, those that stem from social exclusion and gender discrimination and those which are political, legal or result from conflict.

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<sup>104</sup> Samuel Olushola Ajagun, “Implications of Human Trafficking for Human Rights: The Case of Nigeria” (2021) 12 Global Journal of Human-Social Science <<https://globaljournals.org/item/901-implications-of-human-trafficking-for-human-rights-the-case-of-nigeria>> accessed November 8, 2021.

## **CHAPTER THREE**

### **AN EXAMINATION OF THE NIGERIA ANTI TRAFFICKING LEGAL FRAMEWORKS**

#### **3.0 Introduction.**

As the scourge of Trafficking in person continues to devastate the globe, men, women and children of all ages and from all backgrounds can become victims of this crime which occurs in every sphere. The analyses of the legal framework from both the international, regional and national level will be done to access the extent in which the laws have been able to protect victims of Human trafficking. Appraising these laws will help this research understand how Nigeria, Africa and the world in general are using laws to go against every form of trafficking in Person.

#### **3.1 Appraisal of National Legal Frameworks on Trafficking in Persons**

##### **3.1.1 The 1999 Constitution of Nigeria as Amended.**

In view of the fact that trafficking in persons involves the violation of fundamental human rights which this work agreed with in chapter 2, it is important to consider the relevant provisions of the Constitution of the Federal Republic of Nigeria, 1999 (CFRN) that guarantee these fundamental rights.<sup>105</sup>

Section 14(2)(b) of the 1999 Constitution states that, —the security and welfare of the people shall be the primary purpose of government”. This signifies that the government of Nigeria cares for the violations of the rights of victims of Human trafficking because their lives are threatened and deprived in the course of trafficking.

Section 33 of the CFRN guarantees that every person has a right to life.<sup>106</sup> The Incorporation of the provision on protection of life signifies that every life matter including that of the victims of Human trafficking.

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<sup>105</sup> Bisi Olateru-Olagbegi and Anne Ikpeme, “Action Programme against Trafficking and Forced Labour in West Africa Review of Legislation and Policies in Nigeria on Human Trafficking and Forced Labour” (ILO 2006) <[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_083149.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_083149.pdf)> accessed November 15, 2021.

<sup>106</sup> In accordance with article 2 of the Universal Declaration of Human Rights and articles 2 and 26 of the International Covenant on Civil and Political Rights, and pursuant to several other United Nations declarations and conventions, everyone is entitled to the protection of the right to life without distinction or discrimination of any kind, and all persons shall be guaranteed equal and effective access to remedies for the violation of this right.

**Section 34 of the Constitution** guarantees the right to the dignity of the human person thus prohibiting the subjection of any person to slavery or servitude. It provides that:

Every individual is entitled to respect for the dignity of his person, and accordingly-

- a. no person shall be subject to torture or to inhuman or degrading treatment;
- b. no person shall be held in slavery or servitude; and
- c. no person shall be required to perform forced or compulsory labour.

The subsection 2 of Section 34 sets out the various justifiable labour that will not be under this section. These rights are fundamental rights that are enforceable in the Nigerian courts. The victims of Human trafficking suffer violations of this right the most. They are held in servitude and forced to do all manner of jobs. They are severely tortured and subjected to various forms of degrading treatments which harm their life and well-being.

Other relevant provisions in the Constitution are those that safeguard the right of movement as provided in Section 41. This is the right that is mostly violated when people are trafficked. The movement of the victims of trafficking is always confined as they have lost their liberty to move freely. This Constitution in Section 12 also allows Nigeria to rectify International Treaties prohibiting trafficking in person. Section 46 of the Constitution provides that any violation of its fundamental human rights provisions is remediable by the High Court in the State where the violation occurs.

### **3.1.2 The Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015**

This law which is enacted by the Federal Government, repeals the earlier Trafficking in Persons (Prohibition) Enforcement and Administration Act enacted in 2003 which initially established the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). The Law derives from the UN protocols. Its objective is to provide a more effective and comprehensive legal and institutional framework for the prohibition, prevention, detection, prosecution and punishment of human trafficking; protect victims of human trafficking; as well as promote and facilitate national and internal co-operation to meet these objectives

Human trafficking is criminalized in Section 13 of the Act, and is broadly consistent with the international definition of human trafficking contained in the UN Human Trafficking Protocol. This section also criminalises conduct that assists or facilitates human trafficking, or “omits to do anything reasonably necessary to prevent an act of trafficking in persons”. The penalty for

these offences is imprisonment for not less than 2 years and a fine.<sup>107</sup> Part IV on the other hand makes provisions for offences and penalties. The following offences were created and punished accordingly under the Act:

1. Importation and Exportation of any person<sup>108</sup>: This is an offence punishable with not less than 5 years imprisonment. The act of importing any person into or exporting any person out of Nigeria with the intention of forcing such a person into prostitution or any other kind of exploitation is an offence.
2. Procurement of any person for the purpose of exploitation<sup>109</sup>: It is an offence to use force, threat, coercion, intimidation to make a person to be engaged in prostitution or other forms of exploitation. This is an offence punishable with not less than 5 years imprisonment.
3. Procurement or recruitment of any person for organ harvesting<sup>110</sup>: It is an offence to use deception, threat, force, coercion to induce a person or enlist a person with or without payment for the purpose of removing the other person's organ. This is an offence punishable with not less than 7 years imprisonment.  
It is my submission that the punishment for this offence in this regard is not commensurate with the offence. This offence should be treated as a capital offence and any person found culpable should be sentenced to death.
4. Buying or selling of human beings for the purpose of exploitation<sup>111</sup>: In Nigeria, any person who buys, sells, hires, lets or otherwise obtains the possession or disposal of any person with intent, knowing it to be likely or having reasons to know that such a person will be subjected to exploitation, commits an offence and is liable on conviction to imprisonment for a term of not less than 5 years.
5. Forced Labour<sup>112</sup>: It is an offence to require, recruit, transport, harbour or receive or hire out a person to be used for forced labour within or outside Nigeria. This offence is punishable with not less than 5 years imprisonment.
6. Employment of a child as a domestic worker and inflicting grievous harm<sup>113</sup>: It is an offence to employ, recruit, require or hire out a child below the age of 12 years as a

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<sup>107</sup> "Human Trafficking, Forced Labour & Slavery Corporate Accountability Database" (Human Trafficking, forced labour & slavery corporate accountability database2014) <<https://accountabilityhub.org/country/nigeria/>> accessed November 28, 2021.

<sup>108</sup> Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015, s.14.

<sup>109</sup> Ibid, section 15.

<sup>110</sup> Ibid, Section 20.

<sup>111</sup> Ibid, Section 21.

<sup>112</sup> Ibid, Section 22.

<sup>113</sup> Ibid, Section 23.

domestic worker. Upon conviction, the accused is liable to a term of imprisonment not less than 6 months and not more than 7 years. However, if the child was employed or hired out to do a work which is exploitative, injurious or hazardous to the physical, social or psychological development of the child, the accused will be sentenced to not less than 2 years imprisonment but not more than 7 years imprisonment.

7. Trafficking in slaves<sup>114</sup>: Any person who recruits, imports, exports, transfers, transports, buys, sells, disposes or in any way traffics in any person as a slave or accepts, receives, detains or harbours a person as a slave, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years.
8. Slave dealing<sup>115</sup>: It is an offence to be engaged in the business of either requiring or recruiting a person to be treated as a slave. This offence is punishable with a term of imprisonment not less than 7 years.
9. Conspiracy<sup>116</sup>: It is an offence to conspire with another person with the intention of committing any of the offences punishable under the Act.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons with special regards to Women and Children (Palermo Protocol) recognized the need for state parties to recognize and develop legal framework protection of victims of trafficking and their fundamental human right.<sup>117</sup> In line with the demands of the Protocol, the Act made elaborate provisions for victims' welfare, protection, and compensation<sup>118</sup>. The Act mandates the Agency (NAPTIP) to ensure that victims of trafficking: are not discriminated upon on the ground of colour, race, ethnicity, sex, the status of being a trafficked person or for the fact that they have been involved in the sex industry; has access to adequate health care and social services while in temporary residence, has access to the embassy or consulate of his/her home country; is safely returned to his/her home if the person so wishes and when possible; is not denied access to temporary visas during the pendency of any action related to trafficking in person; personal family history and identity are protected; and his family are protected from intimidation and reprisal attacks from trafficking syndicates; facilities are maintained and rehabilitated.<sup>119</sup>

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<sup>114</sup> Ibid, Section 24.

<sup>115</sup> Ibid, Section 25.

<sup>116</sup> Ibid, Section 27.

<sup>117</sup> See Article 2,5,6 of the Palermo Protocol

<sup>118</sup> Carol Arinze-Umobi, Kenn Chinemelum Nwogu and LO Ojobor, "Examination of The Institutional Framework For Combating Trafficking In Persons In Nigeria" (2021) 1 International Journal of Law And Clinical Legal Education <<https://www.nigerianjournalsonline.com/index.php/IJOLACLE/article/view/2165>> accessed January 28, 2022.

<sup>119</sup> See Section 61(a-h) of Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015.

Provided that the circumstance so justifies, a victim of trafficking is granted immunity from detention or prosecution for offences accruing from being a victim of trafficking, including non-possession of travel documents, use of fake travel, or other documents.<sup>120</sup> A victim of trafficking has the right to access his/her being trafficked.<sup>121</sup>

The Act mandates the establishment information by the Agency, transit shelters for a rescued victim of trafficking (particularly women and children) which shall be run as homes to facilitate their reintegration into the society through assistance, protection, and counselling.<sup>122</sup> The Act did not explain the rationale for the particularization of women and children for this awesome innovation.<sup>123</sup> One may suggest that it is because this group is adjudged to be the most vulnerable, however, we submit that trafficking and effects of trafficking are not gender-sensitive, hence, this kind gesture should not be sectionalized.<sup>124</sup> A trafficked person shall be entitled to compensation, restitution, and recovery for psychological, emotional, and economic damages which shall be assessed and paid from the assets forfeited by the convicted trafficker. The Court may, in addition to other punishments meted out to a person convicted for an offence under Act, order the convict to pay compensation to the victim.<sup>125</sup>

The Act established a victim of Trafficking Trust Fund to pay compensation and restitution to victims of trafficking and for the establishment and maintenance of victims' support services. The sources of funds for the Trust fund include appropriation from the services Government, forfeited assets of traffickers, and donations.<sup>126</sup> A Trust Fund Committee was also established to administer the fund.<sup>127</sup>

Even with the notable and laudable provisions of this law, there continues to exist a high level of impunity for human trafficking and forced labour in Nigeria, which is attributed to weak legal systems and problems of corruption. Low prosecution rates and light penalties are also blamed, with a lack of knowledge or concern about human trafficking among many criminal justice officials and police. For example, despite the 2015 amendments that removed judges' ability to sentence convicted traffickers to fines in lieu of imprisonment, Nigerian courts continue to penalize traffickers with fines alone or offering the option to pay a fine instead of serving time.<sup>128</sup>

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<sup>120</sup> Ibid Section 62

<sup>121</sup> Ibid S.63

<sup>122</sup> Ibid. S. 64

<sup>123</sup> Carol Arinze and others (n.14) 60

<sup>124</sup> Ibid

<sup>125</sup> See Section 67 of Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015

<sup>126</sup> Ibid

<sup>127</sup> Ibid Section 68

<sup>128</sup>

### **3.1.3 Criminal Code**

The Criminal Code, promulgated on June 1, 1916 does not define what constitutes trafficking nor does it deal with the various forms of trafficking. However, it deals with the offences which may constitute external trafficking for prostitution and slavery. For example, the Criminal Code makes it an offence to procure women and girls for prostitution in or outside Nigeria.

In addition to these offences, there are provisions dealing with offences of unlawful deprivation of liberty, slave dealing, and forced labour. There are also several provisions dealing with sexual offences. As stated earlier, trafficking is regarded as modern-day slavery. The Criminal Code prohibits slave dealing, and Section 369 punishes slave dealing with imprisonment for 14 years upon conviction.

Section 365 of the Criminal Code deals with the unlawful deprivation of liberty of a person by confinement or detention and punishes the offender with imprisonment for 2 years.

Section 224 of the Criminal Code also punishes any person who by threats, intimidation or false pretences procures a woman or girl or administers stupefying or overpowering drugs on her to facilitate unlawful sexual relations with a man either within or outside Nigeria with imprisonment for 2 years, and Section 225 (a) makes it an offence for a male person to live on the earnings of a prostitute and prescribes the punishment of two years imprisonment at the first instance and for subsequent conviction “any term of imprisonment” in addition to whipping.<sup>129</sup>

It is clear from the foregoing that the Criminal Code penalties for offences that constitute human trafficking are inadequate. Paradoxically the offences are regarded as misdemeanours, and penalties.<sup>130</sup> The criminal code did not provide adequate protection for victims of Human trafficking. The law being a substantive criminal law only provided for offences and punishments.

### **3.1.4 Penal Code**

The Penal Code contains similar provisions on trafficking. Section 275 prohibits the act of inducing girls below 18 to incitation of prostitution and other similar practices. Section 278 provides that any person who buys, sells, hires, lets to hire or otherwise obtains possession or disposes of any person below 18 years with intent that the person will be or is likely to be

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<sup>129</sup> *ibid*

<sup>130</sup> *ibid*

employed or used for prostitution or other unlawful or immoral purposes is guilty of an offence punishable with imprisonment up to ten years and liable to pay a fine in addition. Section 279 creates the offence of slave dealing and provides that any person who exports, imports, removes, buys, sells, disposes of, traffics or deals in any person as a slave or accepts, receives or detains such person is liable to imprisonment for a maximum of 14 years and a fine. Section 280 punishes forced labour with a fine and one year imprisonment; enticement or leading away of any woman or girl (with or without her consent); for immoral purpose with imprisonment of up to 7 years and a fine. The Penal Code does not define the term traffic.<sup>131</sup>

The Penal Code did not define the term Human Trafficking or Trafficking in person. The term used in the penal code is “slave” which makes the provision extremely restrictive and not useful to prosecute traffickers. The lack of adequate provisions regarding trafficking in Nigeria’s criminal laws led the Federal Government to enact a new law on trafficking entitled the Trafficking in Person (Prohibition) Law Enforcement Act 2003<sup>132</sup>.

### **3.1.5 Child Right Act.**

Section 25 of the Act prohibits the exposure of children to the use, production and trafficking of narcotic drugs and prescribes punishment for breach of that provision to be life imprisonment for offenders. The Child Rights Act under Section 26 prohibits the use of children in criminal activities of whatever nature. The penalty for breach is 14 years imprisonment. Section 27 of the Act prohibits the abduction, removal and transfer of children from the lawful custody of their parents or guardians and penalizes offenders with between 10- and 20-years imprisonments depending on the gravity of the offence involved. Section 28 prescribes punishment of 5 years imprisonment or fine of between N50, 000.00 and N250, 000.00 for the exploitation of children in forced labour of any kind of hazardous or exploitative activities. Corporate bodies shall be liable on conviction to a fine of N250, 000.00. Section 30 of the Act prohibits the buying, selling, hiring or otherwise dealing in children for the purpose of hawking or begging for alms or prostitution or other similar practices and any breach is punishable with

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<sup>131</sup> The International Movement Against All Forms of Discrimination and Racism, “Human Trafficking in Nigeria: Briefing Paper for the Special Rapporteur on Trafficking in Persons, Especially in Women and Children” (The International Movement Against All Forms of Discrimination and Racism 2015) <[http://imadr.org/wordpress/wp-content/uploads/2016/01/IMADR-Briefing-Paper\\_Human-Trafficking-in-Nigeria\\_5.11.2015.pdf](http://imadr.org/wordpress/wp-content/uploads/2016/01/IMADR-Briefing-Paper_Human-Trafficking-in-Nigeria_5.11.2015.pdf)> accessed November 28, 2021.

<sup>132</sup> S Kigbu and Y Hassan, “Legal Framework for Combating Human Trafficking in Nigeria: The Journey so Far” (2015) 38 Journal of Law, Policy and Globalization <<https://www.semanticscholar.org/paper/Legal-Framework-for-Combating-Human-Trafficking-In-Kigbu-Hassan/9678aa1aca8b5ac07fb9ed6e98abebddaec02ff1>> accessed November 28, 2021.

10 years' imprisonment. All forms of sexual abuse and exploitation of children below the age of 18 years are equally prohibited by sections 31 – 32 of the Act. Sanctions for breach are life imprisonment and 14 years imprisonment respectively. Section 34 of the Act prohibits the recruitment of children into the armed forces but strangely did not make any provision for sanction for breach.

As rich as the above provisions of the Child Rights Act are it is turning out again to be one of those exercises in futility that is the bane of Nigerian laws – that is, a poor enforcement machinery and the absence of the enabling environment for the effective operation of the law. This law did not effectively provide for protection of Child victim of Trafficking in person.

### **3.1.6 Labour Act**

The Nigerian Labour Act applies to all workers and to all employers, with the exception of the armed forces, the Police, prison staff and intelligence agencies. The Act was adopted in 1971, replacing the Labour Code Act and consolidating the law relating to labour and employment in Nigeria. The Act specifically prohibits forced or compulsory labour, and makes provision for the rights and entitlements of workers, the terms and conditions of employment including annual leave, maternity and sick leave, recruitment processes, working hours, payment of wages, and health and safety. Under the Act, it has also been made illegal for employers to prevent their employees from joining trade unions. Section 73 of the Labour Act prohibits forced labour, and Section 46 penalises the ill-treatment or neglect of workers. Recruitment practices are also regulated under this Act, and deceptive or fraudulent recruitment is prohibited by Section 45.

The Ministry of Employment, Labour and Productivity is responsible for enforcing the Labour Act and related national policy and action plan on labour migration

### **3.1.7 Immigration Act 2015 and Immigration Regulation 2017**

The Department of Immigration is an administrative organ of a state. Its primary responsibility is the Issuance of travel documents to desiring citizens for the purpose of traveling outside their country of origin. The Department is also charged with the duty of regulating the entry of aliens with its territory. Officials of the Department have the duty to check and ascertain that the

entering immigrants are in possession of the necessary travel documents while also ascertaining their purpose of entry and the duration of stay etc.<sup>133</sup>

The Act sets out the provisions for matters relating to immigration, passports, visas, resident permits, work permits, and the prohibition of smuggling of migrants into and from Nigeria, and for the protection of and provision of remedies and assistance to, objects of smuggling of migrant's offences in Nigeria.<sup>134</sup>

This Act also gives effect in the Federal Republic of Nigeria to the provisions of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organised Crime.<sup>135</sup>

Section 18 is crucial as it provides for the deportation of anyone who is deemed a prohibited immigrants and engages in the following:

- i. a brothel keeper;
- ii. a householder permitting the defilement of a young girl on his premises;
- iii. a person allowing a person under thirteen years of age to be in a brothel;
- iv. a person causing or encouraging the seduction or prostitution of a girl under thirteen years of age;
- v. a person trading in prostitution; or
- vi. a procurer.

Section 18(3) defined a brothel keeper, a person trading in prostitution, a procurer etc. For the purposes of this work, it will be important to state the definition of a person trading in prostitution and a procurer.

"Person trading in prostitution" means-

- (i) a male who knowingly lives wholly or in part on the earnings of prostitution or who, in any public place persistently solicits or importunes for immoral purposes, or

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<sup>133</sup> S Kigbu and Y Hassan, "Legal Framework for Combating Human Trafficking in Nigeria: The Journey so Far" [2015] Journal of Law, Policy and Globalization <<https://www.semanticscholar.org/paper/Legal-Framework-for-Combating-Human-Trafficking-In-Kigbu-Hassan/9678aa1aca8b5ac07fb9ed6e98abebddaec02ff1>>.

<sup>134</sup> "Nigeria: New Immigration Law Enacted" (Library of Congress, Washington, D.C. 20540 USA) <<https://www.loc.gov/item/global-legal-monitor/2015-06-05/nigeria-new-immigration-law-enacted/>> accessed December 13, 2021.

<sup>135</sup> "Nigeria - Immigration Act, 2015 (Act No. 8 of 2015)." (www.ilo.org) <[https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=104155&p\\_count=2&p\\_classification=17](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=104155&p_count=2&p_classification=17)> accessed December 13, 2021.

(ii) a female who, for the purposes of gain; exercises control, direction or influence over the movements of a prostitute in such a manner as to show that such female is aiding, abetting or compelling her prostitution with any person or generally;

Procurer means any person who:

(i) procures or attempts to procure any female under twenty-one years of age, not being a common prostitute or of known immoral character, to have unlawful carnal connection, either within or without Nigeria, with any other person; or

(ii) procures or attempts or procure any female to become, either within or without Nigeria a common prostitute; or

(iii) procures or attempts to procure any female to leave her usual place of abode (such place not being a brothel), with intent that she may, for the purpose of prostitution, become an inmate of a brothel, either within or without Nigeria; or

(iv) by threats or intimidation procures or attempts to procure any female to have any unlawful carnal connection either within or without Nigeria;

(v) by false pretences or false representations procures any female, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either within or without Nigeria; or

(vi) applies or administers to or causes to be taken by a female any drug, matter, or thing, with intent to stupefy or overpower her so as thereby to enable any person to have unlawful carnal connection with that female;<sup>136</sup>

The objectives of the new immigration framework for the effective Act, 2015 and consolidate existing regulations are to provide a legal implementation of the Immigration Regulations in Nigeria.<sup>137</sup>

Foreign nationals will be required to register with the Nigeria Immigration Service in the State where they reside and obtain a certificate of registration which they should carry with them at all times. They must notify the Nigeria Immigration Service (NIS) of any changes within seven days; relevant changes include changes to their registration details, moving addresses within a

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<sup>136</sup> This Act [which repeals Immigration Act, Cap. I1, LFN, 2004, and the Passport (Miscellaneous Provisions) Act, Cap. P1, LFN, 2004].

<sup>137</sup> KPMG, "Nigeria Immigration Regulations 2017" <<https://assets.kpmg/content/dam/kpmg/ng/pdf/tax/ng-nigeria-immigration-regulations-2017.pdf>>.

state, moving from one state to another, or temporarily leaving one's residence for more than seven days. Hotel and property owners and managers leasing to foreign nationals will also be required to keep a register of their foreign nationals that will be subject to inspection at any time by immigration inspectors.<sup>138</sup>

### **3.2 Appraisal of International Legal Instruments**

#### **3.2.1 The United Nations Convention Against Transnational Organized Crime**

The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime.<sup>139</sup> It opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on 12-15 December 2000 and entered into force on 29 September 2003. The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organized crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. Countries must become parties to the Convention itself before they can become parties to any of the Protocols.

The Organized Crime Convention is essentially an instrument of international cooperation, its stated purpose being to promote interstate cooperation in order to combat transnational organized crime more effectively<sup>140</sup>

The Convention represents a major step forward in the fight against transnational organized crime and signifies the recognition by Member States of the seriousness of the problems posed by it, as well as the need to foster and enhance close international cooperation in order to tackle those problems. States that ratify this instrument commit themselves to taking a series of measures against transnational organized crime, including the creation of domestic criminal offences (participation in an organized criminal group, money laundering, corruption and

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<sup>138</sup> "NIGERIA: Immigration Regulations 2017" <<https://www.bal.com/wp-content/uploads/BAL-Backgrounder-NIGERIA-Immigration-Regulations-2017.pdf>> accessed December 13, 2021.p

<sup>139</sup> United Nations Treaty Collection, "United Nations Convention against Transnational Organized Crime" (treaties.un.org2000) <[https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-12&chapter=18&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12&chapter=18&clang=_en)> accessed December 19, 2021.

<sup>140</sup> Organized Crime Convention, at Art. 1. Note there is no preamble. McClean refers to the General Assembly resolution adopting the Convention ("United Nations Convention against Transnational Organized Crime," UN Doc. A/RES/55/25, Jan. 8, 2001) for additional insight into its purpose. McClean, Transnational Organized Crime, at 35–36.

obstruction of justice); the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities.<sup>141</sup>

The core obligation of the Convention is that of criminalization. States Parties are required to criminalize a range of offenses, whether committed by individuals or corporate entities, including: participation in an organized criminal group;<sup>142</sup> public sector corruption;<sup>143</sup> laundering of the proceeds of crime;<sup>144</sup> and obstruction of justice.<sup>145</sup> These offenses are also to be made subject to sanctions that take into account the gravity of the offense. Critically, the obligation of criminalization stands independently of the transnational nature or the involvement of an organized criminal group. Nigeria signed and ratified this Convention on 13th December 2000 and 28th June 2001 respectively.<sup>146</sup>

### **3.2.2 Palermo Protocol**

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) was adopted by the United Nations in November 2000 as part of the United Nations Convention against Transnational Organized Crime.<sup>147</sup>

It is the first legally binding instrument with an internationally recognized definition of human trafficking. This definition provides a vital tool for the identification of victims, whether men, women or children, and for the detection of all forms of exploitation which constitute human trafficking. Countries that ratify this treaty must criminalize human trafficking and develop anti-trafficking laws in line with the Protocol's legal provisions.

The stated purpose of the Trafficking Protocol is threefold: first, to prevent and combat trafficking in persons, paying particular attention to the protection of women and children;

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<sup>141</sup> Anne T Gallagher, *The International Law of Human Trafficking* (Cambridge University Press 2012).

<sup>142</sup> Organized Crime Convention, at Art. 5

<sup>143</sup> Ibid. at Art. 8. Corruption is not directly defined. Instead, States Parties are required to criminalize a range of conduct when committed intentionally, specifically “the promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her duties” and “[t]he solicitation or acceptance by a public official, directly or indirectly, of an undue advantage for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her duties”:

<sup>144</sup> Ibid. at Art. 6. “Proceeds of crime” is defined in Article 2(e).

<sup>145</sup> Ibid. at Art. 23.

<sup>146</sup> Kigbu and Hassan (n.18)

<sup>147</sup> “The Protocol for Human Trafficking” (United Nations: Office on Drugs and Crime)

<<https://www.unodc.org/unodc/en/human-trafficking/protocol.html>> accessed December 17, 2021.

second, to protect and assist victims of trafficking; and third, to promote and facilitate cooperation among States Parties to this end<sup>148</sup>. The provisions of both the Convention and the Protocol operate to require that the offense of trafficking be established in the domestic law of every State Party, independently of its transnational nature or the involvement of an organized criminal group<sup>149</sup>

The obligation to criminalize trafficking when committed intentionally as contained in Article 5 is a central and mandatory provision of that instrument. Article 5 also obliges States Parties to criminalize attempting to commit such an offense; participating as an accomplice in such an offense.<sup>150</sup>

Part two of the Trafficking Protocol, dealing with protection of the trafficked person, contains several important protective provisions. States Parties are required to:

- Protect the privacy and identity of trafficking victims in appropriate cases and to the extent possible under domestic law, including by making legal proceedings confidential to the extent that this is also possible under domestic law.<sup>151</sup>
- Ensure that in appropriate cases, victims receive information on relevant court and administrative proceedings as well as assistance to enable their views to be presented and considered during criminal proceedings.<sup>152</sup>
- Endeavour to provide for the physical safety of trafficking victims within their territory.<sup>153</sup>
- Ensure that domestic law provides victims with the possibility of obtaining compensation.<sup>154</sup>

In terms of victim assistance and support, the relevant provision requires States Parties to: “consider adopting legislative or other appropriate measures to provide for the physical, psychological and social recovery of victims of trafficking.” Special reference is made to the

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<sup>148</sup> Trafficking Protocol, at Art. 2.

<sup>149</sup> Organized Crime Convention, at Art. 34(2); see also Conference of the Parties to the UN Convention against Transnational Organized Crime, “Criminalization Within the Scope of the United Nations Convention Against Transnational Organized Crime and the Protocols Thereto,” UN Doc. CTOC/ COP/2008/4, Sept. 9, 2008, at para. 2

<sup>150</sup> Gallagher (n.141)

<sup>151</sup> The Legislative Guide, at 283, notes that this may include courts being given authority to shield identities or otherwise protect the privacy of victims in appropriate cases. Reference should also be made to Article 24(2)(b) of the Organized Crime Convention, which provides for witnesses to be able to give evidence in safety

<sup>152</sup> Trafficking Protocol, at Art. 6(2)

<sup>153</sup> Trafficking Protocol, at Art. 6(5)

<sup>154</sup> Trafficking Protocol, at Art. 6(6) Note that the provision does not specify types of compensation

provision of housing, counselling, and information in a language the victim understands; medical, psychological, and material assistance; and employment, education, and training opportunities.

States Parties are required to take into account the special needs of child victims including appropriate housing, education, and care<sup>155</sup>

States Parties are required to establish policies, programs, and other measures aimed at preventing trafficking and protecting trafficked persons from revictimization.<sup>156</sup> They are further required to endeavour to undertake additional measures, including information campaigns and social and economic initiatives, to prevent trafficking.<sup>157</sup> These measures should include cooperation with NGOs, relevant organizations, and other elements of civil society.<sup>158</sup> State parties are also required to adopt legislative or other measures “to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”<sup>159</sup> States Parties to strengthen border controls as necessary to detect and prevent trafficking;<sup>160</sup>

### **3.2.3 The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,**

The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, also sets out the following recommendations applicable to all victims of crime:

- Right to be treated with compassion and respect;
- Entitlement to access to justice and prompt redress;
- Right to information, including information about the progress of their cases and about the available assistance;
- Right to be heard and to have their views represented and considered at appropriate stage;
- Right to be provided with proper assistance throughout the legal process;
- Right to protection of their privacy and have measures to ensure their safety; and

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<sup>155</sup> Trafficking Protocol, at Art. 6(4)

<sup>156</sup> Ibid Article 9(1)

<sup>157</sup> Ibid Article 9(2)

<sup>158</sup> Ibid Article 9(3)

<sup>159</sup> See Trafficking Protocol Article 9(5)

<sup>160</sup> Trafficking Protocol, at Art. 11(1).

- Right to remedy including compensation.<sup>161</sup>

### 3.2.4 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

In 1979, the General Assembly of the United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which obliges States Parties to take all appropriate legislative and other measures to “suppress all forms of traffic in women and exploitation of the prostitution of women.”<sup>162</sup> The CEDAW Convention also treads a new path by requiring States Parties to address not just the phenomena of trafficking and exploitation of prostitution, but also the underlying causes.<sup>163</sup>

### 3.2.5 The Convention on the Rights of the Child and its Optional Protocol

The Convention on the Rights of the Child (CRC),<sup>164</sup> adopted by the General Assembly in 1989, is the only contemporary international human rights treaty apart from the CEDAW Convention to refer explicitly to trafficking. This convention provides a comprehensive framework for the protection of the rights and dignity of children as well as of their empowerment. As such, it should be considered, in its entirety, as a tool for understanding and responding to the trafficking and related exploitation of children<sup>165</sup>

Article 35 of that instrument requires State Parties to “take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”<sup>166</sup> Under Article 34, children are to be protected from all forms of economic exploitation, sexual exploitation, and sexual abuse.<sup>167</sup> The CRC also requires State Parties to take all appropriate national, bilateral, and multilateral measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity; the

<sup>161</sup> “OHCHR | Basic Principles of Justice for Victims of Crime and Abuse of Power” ([www.ohchr.org](https://www.ohchr.org/en/professionalinterest/pages/victimsofcrimeandabuseofpower.aspx#:~:text=Victims%20should%20be%20treated%20with)) <https://www.ohchr.org/en/professionalinterest/pages/victimsofcrimeandabuseofpower.aspx#:~:text=Victims%20should%20be%20treated%20with> accessed February 15, 2022.

<sup>162</sup> Convention on the Elimination of All Forms of Discrimination Against Women, 1249 UNTS 13, done Dec. 13, 1979, entered into force Sept. 3, 1981 (CEDAW), at Art. 6.

<sup>163</sup> UN. Division for the Advancement of Women, “Assessing the Status of Women: A Guide to Reporting Using the Convention on the Elimination of All Forms of Discrimination against Women. (New York: International Women’s Rights Action Watch, 1988. Pp. 44.)” (1989) 83 American Journal of International Law 982 <<https://digitallibrary.un.org/record/438373?ln=en>> accessed October 29, 2020.

<sup>164</sup> Convention on the Rights of the Child, 1577 UNTS 3, done Nov. 20, 1989, entered into force Sept. 2, 1990 (CRC).

<sup>165</sup> Gallagher (n.141) 65

<sup>166</sup> Ibid at 66

<sup>167</sup> Ibid. See CRC article 32 and 34

exploitative use of children in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and materials.<sup>168</sup>

The CRC Protocol entered into force in early 2002.<sup>169</sup> States Parties in this protocol are, for example, required to prohibit, criminalize, and appropriately punish the relevant acts; to establish appropriate jurisdiction over offenses; and to extradite offenders.<sup>170</sup> Other provisions deal with mutual legal assistance and confiscation of proceeds.<sup>171</sup> The Protocol details the rights of child victims and witnesses in the criminal justice process and the protections to be afforded them. It also sets out specific obligations with regard to prevention and international cooperation.

### **3.2.6 Forced Labour Conventions and Protocol**

Trafficking in persons for the purposes of forced or compulsory labour Force labour are counted as a form of Trafficking in persons and the International Labour Organisation have set out major instruments and standards against forced labour. Some of these instruments are set out below.

The Forced Labour Convention, 1930 (No. 29)<sup>172</sup> prohibits all forms of forced or compulsory labour, which is defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." Exceptions are provided for work required by compulsory military service, normal civic obligations, as a consequence of a conviction in a court of law (provided that the work or service in question is carried out under the supervision and control of a public authority and that the person carrying it out is not hired to or placed at the disposal of private individuals, companies or associations), in cases of emergency, and for minor communal services performed by the members of a community in the direct interest of the community.<sup>173</sup> The convention also requires that the illegal extraction of forced or compulsory labour be

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<sup>168</sup> CRC at Arts. 19 and 34.

<sup>169</sup> Optional Protocol to the Child Convention on the Sale of Children, Child Prostitution and Child Pornography, GA Res. 54/263, Annex I, 54 UN GAOR Supp. (No. 49), 7, UN Doc. A/54/49, Vol. III (2000), done May 25, 2000, entered into force Jan. 18, 2002 (CRC Optional Protocol) appropriate

<sup>170</sup> CRC Protocol Article 1-5

<sup>171</sup> CRC Protocol Article 6 and 7

<sup>172</sup> Convention concerning Forced or Compulsory Labour (Entry into force: 01 May 1932)

Adoption: Geneva, 14th ILC session (28 Jun 1930). Information System on International Labour Standards, "Convention C029 - Forced Labour Convention, 1930 (No. 29)" ([www.ilo.org](http://www.ilo.org))

<[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100\\_ILO\\_CODE:C029:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C029:NO)> accessed December 18, 2021.

<sup>173</sup> Ibid

punishable as a penal offence, and that ratifying states ensure that the relevant penalties imposed by law are adequate and strictly enforced.<sup>174</sup> This convention has 179 ratification excluding the United State and China.<sup>175</sup>

Another important ILO Convention is the Abolition of Forced Labour Convention, 1957 (No. 105)<sup>176</sup> which prohibits forced or compulsory labour as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; as a method of mobilizing and using labour for purposes of economic development; as a means of labour discipline; as a punishment for having participated in strikes; and as a means of racial, social, national or religious discrimination.<sup>177</sup>

Protocol of 2014 to the Forced Labour Convention, 1930 and Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)<sup>178</sup> is a binding Protocol on Forced Labour, supported by a Recommendation (No. 203), aiming to advance prevention, protection and compensation measures, as well as to intensify efforts to eliminate all forms of forced labour, including trafficking in persons. This protocol is enacted because forced or compulsory labour have changed and trafficking in persons for the purposes of forced or compulsory labour, which may involve sexual exploitation, is the subject of growing international concern and requires urgent action for its effective elimination.<sup>179</sup>

Other International instruments include: Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Slavery Convention (1926), the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).

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<sup>174</sup> International Labour Organisation, “International Labour Standards on Forced Labour” ([www.ilo.org](http://www.ilo.org)) <<https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/forced-labour/lang-en/index.htm>> accessed December 18, 2021.

<sup>175</sup> Ibid

<sup>176</sup> Convention concerning the Abolition of Forced Labour (Entry into force: 17 Jan 1959) Adopted Geneva, 40th ILC session (25 Jun 1957). International Labour Organisation (ILO), “Convention C105 - Abolition of Forced Labour Convention, 1957 (No. 105)” ([www.ilo.org](http://www.ilo.org)) <[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100\\_ILO\\_CODE:C105:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C105:NO)> accessed December 18, 2021.

<sup>177</sup> Ibid

<sup>178</sup> Protocol of 2014 to the Forced Labour Convention, 1930 (Entry into force: 09 Nov 2016)

Adoption: Geneva, 103rd ILC session (11 Jun 2014)

<sup>179</sup> Preamble to the Protocol of 2014 to the Forced Labour Convention, 1930

### **3.3 Appraisal of Regional instruments on Trafficking in Persons**

#### **3.3.1 African Charter on Human and Peoples' Rights**

The Banjul Charter laid the foundation for the promotion and protection of people's rights in Africa. The Convention also promotes and protects the basic freedoms of individuals and groups and it was designed to function within the institutional framework of the regional inter-governmental organization-the Organization of African Unity. The Convention was developed in response to the transatlantic slave trade and it emphasized solidarity rights especially the rights of colonized and oppressed people to attain freedom<sup>180</sup>

The ACHPR provides that "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade and torture, cruel, inhuman or degrading punishment and treatment shall be prohibited". It has been domesticated in Nigeria through the African Charter on Human and People's Rights (Enforcement) Act.<sup>181</sup>

#### **3.3.2 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa**

Article 4 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa concerns the rights to life, integrity and security of the person. Paragraph 2 (g) of that article states that States parties shall take appropriate and effective measures to prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk.<sup>182</sup>

#### **3.3.3. The African Charter on the Rights and Welfare of the Child**

The African Charter on the Rights and Welfare of the Child (ACRWC) (African Union, 1990) was adopted by the AU in 1990<sup>183</sup>. It is a comprehensive regional framework that has been

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<sup>180</sup> Ajwang' Warria, "International and African Regional Instruments to Protect Rights of Child Victims of Transnational Trafficking" (2016) 12 Victims & Offenders 682  
<<https://www.tandfonline.com/doi/abs/10.1080/15564886.2016.1238859>> accessed December 19, 2021.

<sup>181</sup> Ibid

<sup>182</sup> UNDOC, Toolkit to Combat Trafficking in Persons. (United Nations 2011)  
<[https://www.unodc.org/documents/human-trafficking/Toolkit-files/07-89375\\_Ebook%5B1%5D.pdf](https://www.unodc.org/documents/human-trafficking/Toolkit-files/07-89375_Ebook%5B1%5D.pdf)> accessed December 19, 2021.

<sup>183</sup> The African Charter on the Rights and Welfare of the Child entered into force on 29 November 1999

contextualized to Africa, and like the UNCRC, it sets out rights and defines universal principles and norms for the status of African children.<sup>184</sup>

In ACRWC's preamble, it is noted that the unique circumstances of African children remain critical for care provision due their socioeconomic, cultural/traditional, and developmental circumstances. The charter recognizes the child's unique and privileged place in African communities and thus generally requiring protection and special care. The AU, as an implementation structure, supports investments in children by stating that they are Africa's future. The ACRWC accords children a higher level of protection in comparison to the UNCRC. Furthermore, the charter points out child labour (Article 15), sexual exploitation of children (Article 27) and the sale, trafficking, and abduction of children (Article 29) as key issues affecting children in Africa.

Article 29 of this Charter states that States parties shall take appropriate measures to prevent:

- (a) The abduction, the sale of, or trafficking of children for any purpose or in any form, by any person, including parents or legal guardians of the child;
- (b) The use of children in all forms of begging.

A limitation of the charter is seen in article 31, whereby emphasis on children's responsibilities could be in conflict with the child's right to participate in decisions that affect them or make them vulnerable to trafficking<sup>185</sup>

### **3.3.4 The Libreville Declaration**

Libreville Common Platform for action to fight Child Trafficking for exploitative labour purposes in West and Central Africa was signed in Libreville, Gabon on 24th February 2000 by 21 countries in West and Central Africa including Nigeria. The Libreville Consultative Meeting was attended by top officials at ministerial level of the 21 countries signatories to the Declaration. Civil society groups were also in attendance at the meeting and negotiations for the Declaration.<sup>186</sup>

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<sup>184</sup> Ibid

<sup>185</sup> Warriah (n.64) 11

<sup>186</sup> Bisi Olateru-Olagbegi and Anne Ikpe, "Review of Legislation and Policies in Nigeria on Human Trafficking and Forced Labour" (Action Programme against Trafficking and Forced Labour in West Africa 2006) <[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_083149.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_083149.pdf)> accessed December 19, 2021.

The Libreville Declaration identified the root causes responsible for child trafficking in West and Central Africa. Notable among the commitments under it is the call for increased sensitisation and advocacy including media campaigns on child trafficking, programmes to encourage child participation and the negotiation of bilateral repatriation agreements guaranteeing victims protection. Most significant is the commitment to have legislative and policy reviews in the participating countries as well as to ensure the implementation of the ILO Convention 182 in particular as well as the Convention on the Rights of the Child. In addition, the Declaration specifically enjoined the State Parties to put in place National Plans of Action to address the issue of child trafficking and to set up National Task Forces or Committees to monitor the implementation of the National Plan of Action<sup>187</sup>

### **3.3.5 Yamoussoukro, Côte d'Ivoire**

In January 2002, Ministers from West and Central African States met in Yamoussoukro, Cote D'Ivoire at an "African specialized meeting on Child Trafficking and Exploitation in West and Central Africa". This meeting adopted a Declaration on human trafficking. The 16-point Declaration, while acknowledging the development of child trafficking as a new form of crime in West and Central Africa, noted poverty as the main cause, stated its traumatic implications for child victims and recognized the lack of adequate legislative framework for the protection of children against trafficking and its consequences in the region. It also highlighted the need for capacity building for law enforcement and all other actors in child protection as well as the role of NGOs in providing care, support and rehabilitation for victims.<sup>188</sup>

In the Declaration, ministers undertook to conduct synchronized public awareness campaigns on the phenomenon, promote the reintegration of children into their communities, adopt, amend and harmonize national legislation, promote the prompt ratification of relevant international instruments and the development of measures for their implementation, encourage government to include the protection of children in national poverty reduction strategies and provide special travel documents for the free movement of children.<sup>189</sup>

They also undertook to promote capacity building of key actors, exchange of information and intelligence on criminal matters, encourage States to work with international development partners to establish national databases that contain disaggregated criminal data, establish anti-

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<sup>187</sup> Ibid

<sup>188</sup> Ibid

<sup>189</sup> Ibid

child trafficking committees in each State, agree on the importance of a sub-regional agreement involving all countries in the region to combat child trafficking and establish a biennial rotating ministers' meeting in collaboration with the international community<sup>190</sup>

### **3.3.6 ECOWAS Interim Plan of Action**

Economic Community of West African States Declaration on the Fight against Trafficking in Persons At the twenty-fifth Ordinary Session of Authority of Heads of State and Government, of the Economic Community of West African States (ECOWAS), held in Dakar on 20 and 21 December 2001, the Heads of State and Government of the ECOWAS signed the Declaration on the Fight against Trafficking in persons and adopted the ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003) annexed to the Declaration<sup>191</sup>

This Interim Plan of Action essentially identifies the major causes and trends in human trafficking and emphasizes the need for to protection of women and children against trafficking in West and Central Africa, focusing on the legal framework and on policy development. In this respect, it underlines that individual member States should ensure the ratification and efficient domestic implementation of international instruments.<sup>192</sup>

The plan of action articulates seven clear strategies addressing: legal framework and policy development; victim assistance and protection; prevention and awareness-raising; collection and analysis of information; training and specialized capacity-building; travel and identity documents; monitoring and evaluation of implementation

### **3.3.7 The Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children**

The Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children was adopted by the Ministerial Conference on Migration and Development, Tripoli, 22-23 November 2006. It aims at developing co-operation, best practices and mechanisms to prevent and combat trafficking in human beings between the European Union

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<sup>190</sup> Ibid

<sup>191</sup> Victoria E Onuoha, "Overview of the International and Regional Legal Frameworks and Initiatives on the Right to an Effective Remedy," Ohchr.org (2021) <<https://www.ohchr.org/Documents/Issues/Trafficking/Consultation/ConsultationEffectiveRemedy/Fourth/VictoriaOnuoha.doc>> accessed December 19, 2021.

<sup>192</sup> Ibid

and the African Union. The Action Plan takes a holistic human rights approach and includes measures also to protect the victims and prosecute the traffickers<sup>193</sup>

The Ouagadougou Action Plan is a cornerstone of the AU counter-trafficking campaign AU. Commit and specifically calls on Member States to harmonize proposed and existing anti-trafficking legislation.<sup>194</sup>

### **3.4 Case laws on Trafficking in person in Nigeria**

The Nigerian lower courts have decided and convicted many perpetrators of this menace and some of the cases are highlighted below:

In *Attorney-General of the Federation v. Sarah Okoya*,<sup>195</sup> the accused procured a total of six young women and deceived them that she was taking them to Spain to work in her hairdressing saloon. The accused had collected large amounts of money from the victims under the guise of procuring travelling documents for them. She had also taken the victims to a shrine where oath of secrecy and of allegiance were administered on the victims. The accused travelled with the victims through Cotonou, Benin Republic. On arrival at Cotonou, the accused person lodged the victims in a hotel and told them that they had to prostitute. However, the victims ganged up and repelled the abuse on them. With the aid of the hotel management, the victims established contact with the Nigerian Embassy in Cotonou. The accused was charged under section 15(a)<sup>196</sup>, 16<sup>197</sup> and 19 (1) (b).<sup>198</sup> At the close of the case, the court however did not find the accused person guilty of the offences charged under section 15(a) and 16 but guilty of the offences under section 19(1)(b) – kidnapping from guardianship. The court also found the accused person guilty of “attempt” to commit offences charged under sections 15 (a), 16 and 27(1) of NAPTIP Act. The court reasoned that since the act of exploiting the victims was foiled by their report, the offence was, therefore merely an attempt to commit the prohibited act. In the words of the Court, on the whole, the accused is sentenced to serve a term of imprisonment for a total period of 36 months with hard labour. The successful prosecution and

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<sup>193</sup> European Commission, “Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children” (ec.europa.eu2006) <[https://ec.europa.eu/anti-trafficking/ouagadougou-action-plan-combat-trafficking-human-beings-especially-women-and-children\\_en](https://ec.europa.eu/anti-trafficking/ouagadougou-action-plan-combat-trafficking-human-beings-especially-women-and-children_en)> accessed December 19, 2021.

<sup>194</sup> Sarah Mohammed, “IOM, AU, ECOWAS and UNODC Joint Launch of Ouagadougou Action Plan to Combat Human Trafficking | International Organization for Migration” (www.iom.int2010) <<https://www.iom.int/news/iom-au-ecowas-and-unodc-joint-launch-ouagadougou-action-plan-combat-human-trafficking>> accessed December 19, 2021.

<sup>195</sup> *Attorney-General of the Federation v. Sarah Okoya*, Charge No. B/15c/2004

<sup>196</sup> Procurement of any person for prostitution, pornography

<sup>197</sup> Foreign travel which promotes prostitution

<sup>198</sup> Kidnapping from guardianship

conviction of Ms. Okoya was the first to be secured under the relatively new NAPTIP Act and represented a major victory for the Nigerian government in sending out a global message of its seriousness in the fight against traffickers. However, the sentence was not harsh enough to have effective deterrent value more so as the accused had already served a large portion of the jail term in detention which would be subtracted from the 36-month prison sentence.

In *Attorney General of the Federation v. Chioma Ogbona*<sup>199</sup>, before a Uyo High Court, the accused was a mistress to the victim's father. The accused surreptitiously, and without the consent of the parents of the victim, took the victim on June 23, 2003 away from their home at Obigbo Town, Rivers State to Uyo, Akwa Ibom State, and attempted to offer the victim for sale at an agreed price of N400,000. She pleaded guilty on all counts and was found guilty and sentenced to two years imprisonment<sup>200</sup>.

In *Attorney General of the Federation vs. Hussaina Ibrahim & one other*<sup>201</sup>, In this case, 15 Nigerian ladies deported from Saudi Arabia were reported to the Agency for investigation. In the course of investigation, Hussaina Ibrahim amongst others was identified as a trafficker by one of the girls deported to Nigeria with her. Idris Aminu – Alias VIP was identified by the said victim as the facilitator or organizer of her trip to Saudi Arabia to meet the first accused person. The accused persons were arraigned in Kano High Court on four counts charges ranging from procurement of persons for prostitution under Section 15 to slave dealing punishable under Section 24 of NAPTIP Act 2003. On July 26th judgment was delivered where the first Accused was sentenced to 3 years on the first count and 2 years imprisonment without option of fines. Both sentences are to run concurrently i.e., 3 years imprisonment. The second accused was sentenced to 2 years imprisonment without option of a fine.

In *Attorney General of the Federation vs. Jean Ajayi & 2 Others*,<sup>202</sup> Three suspected Human Traffickers, a Nigerian and two Beninese were charged with a 25-count charge in the High Court of Ilaro, Ogun State for importing from the Republic of Togo, underage girls for purposes of prostitution in Nigeria. The hearings have been concluded and the matter was adjourned to 22nd of December 2005 for judgment. On the 22nd of December, 2005 judgement was given on the above matter. The 1st and 2nd accused persons i.e., Jean Ajayi and Gilbert Ganysiode were convicted and sentenced on five counts to 7 years each to run concurrently while the third accused person Mrs. Alake Iroko was discharged and acquitted.

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<sup>199</sup>*Attorney General of the Federation v. Chioma Ogbona*, Charge No. HU/41C/2005

<sup>200</sup> A similar decision was reached by the Court in the case of *Attorney General of the Federation v. Samson Ovenseri*, Charge No. B/15c/06

<sup>201</sup> (unreported) Suit No. K/1TTP/2003 at the High Court of Justice, Kano state of Nigeria,

<sup>202</sup> (unreported) Suit No. HCL/2C/2005 at the High Court of Justice, Benin City,

In *Attorney-General of the Federation v. Martina Opara*,<sup>203</sup> the Supreme Court has, in a judgment delivered on 24<sup>th</sup> February, 2017, upheld the conviction of a human trafficker. The accused person was arrested in 2008 and charged with a 9-count charge which includes procurement and movement from place to place of three girls; using the victims for prostitution in Nigeria and deceitful inducement of girls for prostitution, under ss. 15 (a) and 19 (a)(b)(c) of the 2005 NAPTIP Act. A Federal High Court sitting in Abeokuta - Nigeria, found her guilty as charged and on 19<sup>th</sup> April, 2012, she was sentenced to 14 years imprisonment. Dissatisfied with the sentence, the appellant approached the Court of Appeal, Ibadan Division, and in 2014, the appeal was dismissed for want of merit. Still dissatisfied, appellant further approached the Supreme Court. In a unanimous judgment delivered by Justice Mary Odili, the appeal was again dismissed and the conviction of the trial Federal High Court affirmed. This brought to an end a protracted legal battle which was instituted by NAPTIP since 2008

### **3.5 Conclusion.**

Victims of human trafficking are exposed to human rights violation, physical abuse, racial harassment, extortion, exploitation, destitution, arrest, detention, imprisonment and deportation.<sup>204</sup> This is due to the impracticality of the legal frameworks for the protections of their rights. This different international and regional legal frameworks have not been fully incorporated into the Nigerian system to further the cause of the victims of crimes instead, they are left to languish in their pains and penury. No doubts, the laws in place are good laws but the enforcement of the laws has remained another problem bedeviling the fight against trafficking in person and the need to protect the victims.

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<sup>203</sup>NAPTIP NEWS, “Supreme Court Affirms 14 Years Jail Term Against Martina Opara”, available at <http://www.naptip.gov.ng>, last accessed on 10 /10/2017

<sup>204</sup> M.D. Enaikale and A.O. Olutayo, ‘Human Trafficking in Nigeria: Implication for Human Immune Deficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Pandemic’ (2011) (3) International Journal of Sociology and Anthropology, 417-421.

## **CHAPTER FOUR:**

### **ASSESSMENT OF INSTITUTIONAL STRUCTURES**

#### **4.1 Introduction**

The laws are not enough without the institutions that will carry out the stipulations of the law. The previous chapter clearly appraised the legal framework against trafficking in person and subsequent protection of victims of trafficking in person. This chapter will analyse, albeit briefly, the institutional structures saddled with the responsibility of combating the scourge of trafficking in persons in the country and their efforts so far at combating the said trafficking. In Nigeria, the National Agency for the Prohibition of Trafficking in Persons, the Nigeria Immigration Service, the Nigeria Police Force, Office of the Attorney General of the Federation, the Judiciary etc are the institutions empowered by the laws of Nigeria to combat the issues of trafficking in person.

#### **4.2 Establishment of National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP)**

The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was created on 14th of July 2003 by the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2003. The Agency is the Federal Government of Nigeria's response to addressing the scourge of trafficking in persons. It is a fulfilment of the country's international obligation under the Trafficking in Persons Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Transnational Organized Crime Convention (UNTOC).<sup>205</sup>

The said Trafficking In Persons (TIP) Act provides that:

There is established the National Agency for the Prohibition of Trafficking in Persons (in this Act referred to as (the Agency))<sup>206</sup>

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<sup>205</sup> "National Agency for the Prohibition of Trafficking in Persons (NAPTIP) | Women's Consortium of Nigeria | Committed to the Enforcement of Women and Children's Rights" ([www.womenconsortiumofnigeria.org](http://www.womenconsortiumofnigeria.org)) <<https://www.womenconsortiumofnigeria.org/?q=content/national-agency-prohibition-trafficking-persons-naptip>> accessed January 28, 2022.

<sup>206</sup> Section 2 (1), Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015.

The TIP Act also clothes NAPTIP with a corporate personality capable of perpetual succession and a common seal. Thus, it can sue and be sued in its corporate name. It may also deal howsoever with property, movable or immovable, real or personal properties.<sup>207</sup>

The Agency is headed by a Director-General in compliance with the provision of the TIP Act. The said TIP Act provide thus:

There shall be for the Agency, a Director-General who shall be from the Directorate Cadre in the Public Service of the Federation or its equivalent in any law enforcement service and shall be appointed by the President on the recommendation of the Minister<sup>208</sup>

It is the view of the researcher that the above provision provides a clear procedure for the appointment of the head of the Agency, whose appointment is limited to a term of four years in the first instance and may be eligible for re-appointment for another term of four years and no more..<sup>209</sup> Hence, qualified individuals with knowledge and experience in matters related to counter trafficking who are not public Servant cannot be appointed as the head of the Agency.<sup>210</sup> In the same vain, qualified Public Servants but without knowledge and experience in counter trafficking may be appointed as the head of the Agency. The head of the Agency act as the chief executive and accounting officer. <sup>211</sup>The head is also responsible for the day-to-day administration of the Agency, keeping the books and records of the Agency and act as the Secretary to the Governing Board of the Agency

#### **4.3 The role of the National Agency for the Prohibition of Trafficking in Persons**

The National Agency for the Prohibition of Trafficking in Persons is the central and focal point for the fighting against human trafficking and rehabilitation of the victims of trafficking in Nigeria. Its responsibility includes investigation of all cases of trafficking in persons,

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<sup>207</sup> Ibid Section 2(2).

<sup>208</sup> Ibid. Section 8. It is worthy of note that The President if Nigeria at the time of this research, violated this section in the appointment of a Director General of the agency but was later replaced after 5 months in office. See. Yusuf Akinpelu, "EXCLUSIVE: Buhari Violates NAPTIP Act in Appointment of Agency's Head" (Premium Times December 2, 2020) <<https://www.premiumtimesng.com/news/headlines/429004-exclusive-buhari-violates-naptip-act-in-appointment-of-agencys-head.html>> accessed January 29, 2022.

<sup>209</sup> MOHAMMED Ahmed, "An Appraisal of The Legal and Institutional Framework for The Prohibition of Traffic in Persons In Nigeria" (Thesis2017) <<http://kubanni.abu.edu.ng/jspui/bitstream/123456789/10220/1/an%20appraisal%20of%20the%20legal%20and%20institutional%20framework%20for%20the%20prohibition%20of%20traffic%20in%20persons%20in%20nigeria.pdf>> accessed January 28, 2022.

<sup>210</sup> Ibid

<sup>211</sup> Ibid

coordinating laws related to the trafficking of persons and enforcement of the TIP Act. It leads supervising. It controls and coordinates efforts for rehabilitation of trafficked persons. The function of the Agency includes prevention, prosecution and protection.<sup>212</sup>

The 2015 Anti-Trafficking Act also provides for the said organization and it is mandated, among other things, to:

- (a) Enforce and administer the provisions of this Act;
- (b) Co-ordinate and enforce all other Laws on Trafficking in Persons and related offences;
- (c) Adopt effective measures for the prevention and eradication of trafficking in persons and related offences;
- (d) Establish co-ordinated preventive, regulatory and investigatory machinery geared towards the eradication of trafficking in persons;
- (e) investigate all cases of trafficking in persons including forced labour, child labour, forced prostitution, exploitative labour and other forms of exploitation, slavery and slavery-like activities, bonded labour, removal of organs, illegal smuggling of migrants, sale and purchase of persons;
- (f) Encourage and facilitate the availability and participation of persons who voluntarily, consent to assist in investigations or proceedings relating to trafficking in persons and related offences;
- (g) Enhance the effectiveness of Law Enforcement agents and other partners in the suppression of trafficking in persons;
- (h) create public enlightenment and awareness through seminars, workshops, publications, radio and television programmes and other means aimed at educating the public on the dangers of trafficking in persons;
- (i) Establish and maintain communications to facilitate rapid exchange of information concerning offences under this Act;
- (j) Conduct research and strengthen effective legal means of international co-operation in suppressing trafficking in persons;

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<sup>212</sup> Ibid

- (k) Implement all bilateral and multilateral treaties and conventions on trafficking in persons adopted by Nigeria;
- (l) Strengthen co-operation and conduct joint operations with relevant Law Enforcement and Security Agencies, International Authorities and other relevant partners in the Eradication of Trafficking in Persons;
- (m) Co-ordinate, supervise and control
  - (i) The protection, assistance and rehabilitation of trafficked persons; and
  - (ii) All functions and activities relating to investigation and prosecution of all offences connected with or relating to trafficking in persons;
- (n) adopt measures to identify, trace, freeze, confiscate or seize proceeds, property, funds or other assets derived from trafficking in persons or related offences.
- (o) Conduct research on factors responsible for internal and external trafficking in persons and initiate programmes and strategies aimed at the prevention and elimination of the problem;
- (p) Facilitate rapid exchange of scientific and technical information concerning or relating to trafficking in persons;
- (q) Collaborate with Government bodies both within and outside Nigeria whose functions are similar to those of the Agency in the area of the
  - (i) Movement of proceeds or properties derived from trafficking in persons and other related offences.
  - (ii) Identities, location and activities of persons suspected of being involved in trafficking in persons and other related offences; and
  - (iii) Exchange of personnel and other experts.
- (r) Establish and maintain a system for monitoring trans-border activities relating to trafficking in persons in order to identify suspicious movements and persons involved;
- (s) deal with matters connected with the extradition and deportation of persons involved in trafficking in persons and other mutual legal assistance between Nigeria and any other country in Trafficking in persons, subject to the supervision of the Minister;

(t) initiate, develop and improve special training programmes for personnel of the Agency and relevant Law Enforcement Agents charged with the responsibility of detecting offences created under this Act; and

(u) carry out such other activities as are necessary for the efficient discharge of the functions conferred on it under this Act.<sup>213</sup>

There are various components of the power of the National Agency for the Prohibition of Trafficking in Persons. The Agency has unique power to investigate, arrest, detain among others.<sup>214</sup> According to section 6 of the 2015 Anti-Trafficking Act, the agency also has the powers to among other things;

(a) Investigate whether any person, body or entity has committed an offence under this Act or the offence of trafficking under any other law;

(b) Enter into any premises, property or conveyance for the purpose of conducting searches in furtherance under this Act or under any other law;

(c) Arrest, detain and prosecute offenders under this Act or any other law on trafficking in persons in Nigeria.

(d) Trace, seize, detain or retain the custody, for the purpose of investigation and prosecution, of any property which the Agency reasonably believes to have been involved in or used in the commission of offences under this Act or any other law;

(e) Seal up premises upon reasonable suspicion of such premises being involved with or used in connection with offences under this Act; and

(f) Seek and receive information from any person, authority, corporation or company without hindrance in respect of the enforcement of any of the.<sup>5</sup>

In the Mid-year of 2021, a total of Seven Hundred and Forty-One (741) victims were rescued by the Agency which brings the total number of victims rescued by the Agency since inception to Sixteen Thousand Five Hundred and Thirteen (16,513). To enable the agency in the effective discharge of its statutory function, the agency has established four regional offices in Lagos, Uyo, Benin and Kano.<sup>215</sup> It also instituted a National Investigation Task Force (NITF)

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<sup>213</sup> Section 5 of The Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015

<sup>214</sup> Ahmed (n.)

<sup>215</sup> Bisi Olateru-Olagbegi and Anne Ikpeme, “Action Programme against Trafficking and Forced Labour in West Africa Review of Legislation and Policies in Nigeria on Human Trafficking and Forced Labour” (International

consisting of the Nigerian Police, Immigration and the Directorate of State Services to effectively monitor, investigate and respond to distress requests of victims and their families.<sup>216</sup> NITF has set up small units in eleven States of the Federation with the worst trafficking problems. The task force members were trained on the provisions of the anti- trafficking law, care of victims, Interpol standards, corruption and human rights issues.<sup>217</sup> The agency has also made progress in assisting trafficked persons. They have provided shelter or referral to entities offering protection and assistance to several victims. Working with the International Organization for Migration, the agency opened two shelters for victims in July 2004, and established a 24- hour hotline for victims and those desiring to provide information. NAPTIP is at the forefront of a national committee that has, with support from the ILO, drafted a National Plan of Action against Trafficking.

Procurement for Foreign Travel which Promotes Prostitution recorded the highest number of victims rescued, with One Hundred and Ninety-Three (193) victims, all females. Following is Child abuse victims with One Hundred and Twenty-Three (123) victims, comprised of Twenty-Six (26) males and Ninety-Seven (97) females while Procurement for sexual exploitation or Prostitution internally had a total number of Ninety-Five (95) victims rescued. Forced marriage and, Violence against person's case had just One (1) victim respectively.<sup>218</sup>

Counselling and Rehabilitation department is one of the core departments in NAPTIP. It is a department established in line with the Palermo Protocol. The department, under section 12(4) of Trafficking in Persons Prohibition and law Enforcement Act 2015 as amended, is entrusted with the rehabilitation and counselling of victims of human trafficking.<sup>219</sup> The department collaborates with relevant government ministries, agencies, NGOs and development partners in realizing its mandate. It is divided into five sections/units and each has distinctive roles to play in realizing the mandate of the department.<sup>220</sup>

The Rehabilitation Section Provides direct assistance to trafficked persons and this includes counselling and rehabilitation services. Vocational services provided to trafficked persons

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Labour Organization (ILO) 2006) <[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_083149.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_083149.pdf)> accessed February 2, 2022.

<sup>216</sup> Ibid

<sup>217</sup> Ibid

<sup>218</sup> Research And Programme Development Department NAPTIP, “2021: Jan – June Data Analysis – NAPTIP” (2021) <<https://naptip.gov.ng/download/2021-jan-june-data-analysis/>> accessed January 30, 2022.

<sup>219</sup> National Agency for The Prohibition of Trafficking in Persons (NAPTIP), “Counselling and Rehabilitation Department – NAPTIP” (NAPTIP Website) <<https://naptip.gov.ng/counselling-and-rehabilitation-department/>> accessed February 1, 2022.

<sup>220</sup> Ibid

include knitting, weaving, fashion design, hair dressing, catering, hat making, beads making and photography. Counselling methods adopted by the section in order to help the victims recover from trauma include psychosocial therapy, individual counselling, group counselling, career counselling, family counselling and case conferencing.<sup>221</sup>

There is also a Shelter Management Section that takes care of the day-to-day running of the shelter facilities established for housing rescued trafficked persons. Services offered at the shelter include feeding, clothing, provision of regular hygiene products, physical exercises, basic educational courses. The Agency operates eight shelters across the country with the capacity to accommodate the following number of victims at a time. Within the confines of the mandate of the Agency, the department of Counselling and Rehabilitation offers the following services to victims of human trafficking.<sup>222</sup>

The department is guided by the underlisted documents in the pursuit of its functions and responsibilities to the victims. These documents evolved over the years in the practice of social work as it relates to the peculiarities inherent in the rehabilitation and integration of victims of human trafficking as well as in the course of interacting and working with local and international partners in the field of human trafficking. The documents are:

1. National Policy on Protection and Assistance to Trafficked Persons

The policy is a compendium of rehabilitation and re-integration processes and strategies and available opportunities for victims. It also contains the rights and privileges of the victims as well as responsibilities of government, departments and agencies in the welfare of victims. The policy has been approved by the National Executive Council of Nigeria, the highest decision-making body of the country in 2008. Based on its relevance in assisting trafficked persons, in 2009, the ECOWAS adapted the policy as an instrument for the region (Assisted by IOM, UNICEF and UNIFEM)<sup>223</sup>

2. Strategic Implementation Framework (SIF)

The Strategic Implementation Framework (SIF) is a roadmap for fast-tracking the implementation of the National Policy on Protection and Assistance to Trafficked Persons in Nigeria. The benefit of benchmarking is to improve the quality of services provided, set realistic performance targets, evolve innovative approach to operating and managing

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<sup>221</sup> Ibid

<sup>222</sup> Ibid

<sup>223</sup> Ibid

interventions and accelerate culture change by making cooperating organizations accountable to the whole. It is a published document (Assisted by UNFPA)<sup>224</sup>

These departments have been able to carry out the protective function of NAPTIP in safeguarding the rights of the victims of Human Trafficking. Even though much should be done in these departments, it is said that the agency is up and to reduce drastically the hardship faced by the victims of Human Trafficking who sometimes do not know where to run to or which home to go to. The International Organisation for Migration (IOM), in collaboration with the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) have launched new tools to ensure a standardised approach to the identification, referral and protection of Victims of Trafficking (VoTs).<sup>225</sup>

#### **4.4 Other Institutions**

##### **4.4.1 The Nigeria Immigration Service**

The Nigeria Immigration Service (the Service) is the head and in the forefront of monitoring the Nigeria's borders and exit points. The control and monitoring of borders are crucial to ensure effective prevention of human trafficking as Nigeria borders are permeable and are largely uncontrolled. The Nigeria Immigration Service (NIS) works with NAPTIP and other law enforcement agencies in the prevention of human trafficking. The Service is concerned with the issuing of travel documents and controlling the country's borders. In 2003, the immigration service created anti-trafficking units to help tackle the problem of trafficking in women and children, following the increasing number of cases of human trafficking involving Nigerians. The first three of such units were established in Edo, Kano and Ogun States as these have been identified as sources/routes for trafficking.<sup>226</sup> The Service has also been collaborating with NAPTIP to further strengthen the mutual relationship and synergy between both organisations in the course of fighting trafficking in person

In a recent event, the Immigration Service intercepted a total of 189 young boys and girls who are suspected to be victims of human trafficking. They intercepted in batches on their way out

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<sup>224</sup> Ibid

<sup>225</sup> editor, "IOM, NAPTIP Launch Tools to Protect Victims of Trafficking in Nigeria" (THISDAYLIVE August 3, 2021) <<https://www.thisdaylive.com/index.php/2021/08/04/iom-naptip-launch-tools-to-protect-victims-of-trafficking-in-nigeria/>> accessed February 2, 2022.

<sup>226</sup> Carol Arinze-Umobi, Kenn Chinemelum Nwogu and LO Ojobor, "Examination of the Institutional Framework for Combating Trafficking in Persons in Nigeria" (2021) 1 International Journal Of Law And Clinical Legal Education <<https://www.nigerianjournalonline.com/index.php/IJOLACLE/article/view/2165>> accessed January 28, 2022.

of the country through the Seme Border Area. 92 of them were intercepted on 22nd January, 2022, while another 97 were picked up by vigilant operatives on 24th January, 2022<sup>227</sup>. This shows their constant effort to curb the scourge of trafficking in person in Nigeria and alleviating victims of the pains.

#### 4.4.2 The Nigeria Police

The Police occupies a unique position in the administration of criminal justice and the maintenance of civil order. The Nigeria Police (NP) is designated by Section 214 of the 1999 Constitution of Federal Republic of Nigeria as amended as the national police with exclusive jurisdiction throughout the country. Section 4 of the Nigerian Police Act 2020 mandates the police to prevent, detect crime and protect the rights and freedom of everyone in Nigeria as provided in the 1999 Constitution, The African Charter on Human and people's right and **any other law** including the TRILEA Act 2015. The Act also mandates the police to protect the life of Nigerians. This section mandates the police to make effort in safeguarding the rights of victim of trafficking in person.

The police have been actively cooperating with NAPTIP on trafficking and have arrested and prosecuted perpetrators and have also protected victims.<sup>228</sup> The police also usually assist in receiving deported victims on their arrival in Nigeria, after which they are screened and documented. Victims are also provided temporary shelter, although such facilities are limited. The constraints encountered by the police in carrying out its mandate in this area include the complicity of parents and guardians in the trafficking of their minor children; unavailability of trained psychologists within the force, the difficulty in getting people to testify as witnesses due to fear of reprisals, lack of funds and corruption. While not justifying the practice of corruption in the police force, the rampant engagement of the police in corruption is not farfetched. They are poorly funded, poorly trained, poorly remunerated in comparison with the gravity of their responsibility

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<sup>227</sup> Mojeed Alabi, "Nigeria Immigration Intercepts 189 Suspected Trafficking Victims, Arrests Alleged Culprits" (PremiumTimesJanuary 25, 2022) <<https://www.premiumtimesng.com/news/top-news/507836-nigeria-immigration-intercepts-189-suspected-trafficking-victims-arrests-alleged-culprits.html>> accessed February 2, 2022.

<sup>228</sup> Arinze-umobi and others (n.21)

#### 4.5 FACTUAL DATA: LIVES BOUGHT AND SOLD

Nigeria occupies pivot position in West Africa as the country of origin, transit, and destination of human trafficking.<sup>229</sup> Around 74% of the registered victims of trafficking in Europe were reported to be of Nigerian nationality and to have been trafficked for sexual exploitation, while less than one in twenty (4%) have been trafficked for labour exploitation and nearly one quarter (23%) for other forms of exploitation.<sup>230</sup>

Between July 2003 and December 2019, NAPTIP rescued a total of 14,688 victims of human trafficking. Of the 7,487 total reported cases they received, 3,935 were investigated and 332 convictions were made. As at July 2021, The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) says it rescued over 17,000 victims of human trafficking and jailed over 550 traffickers.<sup>231</sup>

#### 4.6 Examining the Judicial Attitudes

This is the third arm of the government that is vested with the power to adjudicate on all matters between persons or between government or authority and any other person in Nigeria, and to all actions and proceeding relating thereto for the determination of any matter relating to the civil rights and obligation of the person. Section 36 of the Act deals on Jurisdiction to try offences and states thus:

(1) The High Court shall have jurisdiction to try offences, hear and determine proceedings arising under this Act.

(2) Where any person is convicted of an offence under this Act, the Court in passing sentence shall in addition to any punishment which the Court may impose in respect of the offence, order the forfeiture to the Victims of Trafficking Trust Fund of any property, asset or fund with accrued interest, article, substance, device, material or conveyance which has been used or

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<sup>229</sup> United Nations office on Drug and Crime, “Human Trafficking in West Africa: Three out of Four Victims Are Children Says UNODC Report” (www.unodc.org2021) <[https://www.unodc.org/nigeria/en/press/human-trafficking-in-west-africa\\_three-out-of-four-victims-are-children-says-unodc-report.html](https://www.unodc.org/nigeria/en/press/human-trafficking-in-west-africa_three-out-of-four-victims-are-children-says-unodc-report.html)> accessed February 7, 2022.

<sup>230</sup> Michela Semprebon, “Fighting Human Trafficking in Nigeria: Recent and Ongoing Projects (2010-2019)” (2019) <[https://www.insightproject.net/wp-content/uploads/2020/03/INSighHT\\_Gap\\_Analysis\\_Report\\_web.pdf](https://www.insightproject.net/wp-content/uploads/2020/03/INSighHT_Gap_Analysis_Report_web.pdf)> accessed February 7, 2022.

<sup>231</sup> Devatop Centre Advocates to End Human Trafficking in Nigeria, “Human Trafficking in Nigeria” (The Borgen Project July 25, 2020) <<https://borgenproject.org/devatop-centre-for-african-development-advocates-to-end-human-trafficking-in-nigeria/>>.

facilitated the commission of the offence or the proceed of any unlawful activity under this Act.

The High Court referred to in section 36 (1) are the Federal High Court, the High Court of a State or the High Court of the Federal Capital Territory. Therefore, the prosecuting Agency has the option of either approaching the Federal High Court or a High Court of State or High Court of the Federal Capital Territory, Abuja. The provision of section 36 of the TIP Act is encompassing having provided for forfeiture of properties to Victims of Trafficking Trust Fund. The Trust Fund is utilized to support, pay compensations, damages and restitution to trafficked persons.<sup>232</sup>

Between 2017 and 2019, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) recorded 2165 persons suspected of or arrested for trafficking in persons. Yet over these three years, NAPTIP recorded only 101 national convictions related to trafficking in persons. The United State Department of State released its 2021 Trafficking in Persons Report on Nigeria which stated that federal and state authorities investigated 409 cases, prosecuted 49 suspects, and convicted 36 traffickers during the reporting period, according to multiple sources. Authorities reported investigating 943 cases, prosecuting 64 suspects, and convicting 27 perpetrators during the previous year; prison sentences ranged from two to 10 years' imprisonment and at least one convicted trafficker was given the option of fines in lieu of imprisonment.<sup>233</sup>

The Director General of NAPTIP, Dr Fatima Waziri-Azi, has revealed that a total of 487 persons have been convicted for trafficking of young Nigerian girls and boys for sexual exploitation and hard labour.<sup>234</sup>

#### **4.7 Prospects and Challenges.**

Amidst the challenges facing the fight against the crime of Trafficking in person and protecting the victims of the crimes, the National agency for the prohibition of Trafficking in Person and other stakeholders have tried within their capacity to reduce the menace. It has been reported and considered a known fact that human trafficking has continued to evolve in line with

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<sup>232</sup> Sections 67, Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015

<sup>233</sup> US Department of State, "2021 Trafficking in Persons Report: Nigeria" (United States Department of State 2021) <<https://www.state.gov/reports/2021-trafficking-in-persons-report/nigeria/>> accessed February 7, 2022.

<sup>234</sup> Tribune Online, "487 Convicted for Human Trafficking — NAPTIP DG" (Tribune Online October 28, 2021) <<https://tribuneonline.ng.com/487-convicted-for-human-trafficking-%E2%80%95-naptip-dg/>> accessed February 7, 2022.

globalization, especially with technology, traffickers have kept pace with technology by using the World Wide Web for their operations. This is prominent with the advent of the COVID-19 pandemic. There is a shift from physical recruitment to virtual recruitment through virtual assessment of victim and proxy negotiation<sup>235</sup>

The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) with the support of the United Nations Office on Drugs and Crime (UNODC) and funding from the Government of Switzerland officially kicked-off the process to develop a new National Action Plan against human trafficking in Nigeria 2022-2025. NAPTIP gathered over thirty stakeholders including ministries, law enforcement agencies, civil society organizations and international partners for a 3-day workshop in Abuja to set the priorities of the new national action plan. The plans are already in place to release it this year. The development of this strategic document is long overdue as the previous national plan expired in 2012, and is supported through the “Strengthening of the policy framework and response to human trafficking in Nigeria” project, funded by the Swiss government and implemented jointly by NAPTIP and UNODC<sup>236</sup>

With all these efforts by the Nigerian government and NAPTIP and their collaborators, there still persist some challenges facing the protection of victims of Trafficking in person and the overall fight to reduce trafficking in person. Some of the challenges include:

**4.7.1 Failure to Identify Victims:** Unlike other crimes, Victims seldom identify themselves as victims and almost never report the matter to law enforcement agencies. Lack of reporting is due to multiple factors, including the following: Fear of the traffickers, either in the use of force or threat of violence on the victim or on family or loved ones; In order to survive, victims will adopt negative coping strategies, such as numbing (blanking out experiences from one’s mind), taking on adult roles in cases of children, avoiding talking about the experience or emulating the behaviour of the abuser; May not see themselves as victims; May suffer from Stockholm Syndrome, whereby over time, they have developed a misguided attachment/relationship to the trafficker; May suffer from post-traumatic stress disorder and memory loss – a very common complaint within trafficking – whereby the victim has suffered severely in the hands of the traffickers from rape, beatings, abuse and others; Language barrier

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<sup>235</sup> Joseph Erunke, “Human Traffickers Now Recruiting Victims through Virtual Processes -NAPTIP” (Vanguard News January 17, 2022) <<https://www.vanguardngr.com/2022/01/human-traffickers-now-recruiting-victims-through-virtual-processes-naptip-2/amp/>> accessed February 7, 2022.

<sup>236</sup> UNODC, “NAPTIP Kick-off Process to Develop a New National Action Plan against Human Trafficking” (www.unodc.org2020) <<https://www.unodc.org/nigeria/en/naptip-kick-off-process-to-develop-a-new-national-action-plan-against-human-trafficking.html>> accessed February 7, 2022.

and lack of trust with law enforcement agencies; and Lack of documentations, fear of deportation or arrest, imprisonment or deportation.<sup>237</sup>

Due to a constrained view of what constitutes trafficking, law enforcement agents often fail to recognize exploited persons as victims of trafficking. Many international victims are brought into the country illegally; with traffickers using their illegal entry as a form of control. Such victims are usually unaware of their rights as victims; do not understand the laws or the language spoken. All these factors help to control the victim and keep the crime and the victim hidden. Victims are often kept in isolation, with no freedom of movement; contact with the outside world is controlled by the traffickers and often limited to those working for the trafficker.<sup>238</sup>

**4.7.2 Poor coordination between NAPTIP and other agencies:** Observers reported that poor coordination between NAPTIP and other government agencies impeded prosecution efforts in prior years; NAPTIP and other law enforcement agencies failed to coordinate with each other when mandates overlapped, although collaboration with other government entities reportedly improved during the rating period.<sup>239</sup> Experts stated the lack of a centralized database linking relevant law enforcement agencies continued to prevent effective coordination. However, from January to March 2021, NAPTIP officers conducted law enforcement operations with NPF, Nigeria Immigration Service, Armed Forces of Nigeria, and the Office of the National Security Advisor to identify 80 child trafficking victims, according to media; however, officials stated they have not yet prosecuted any human traffickers through these operations, although investigations into these cases continued as of March 2021.<sup>240</sup>

**4.7.3 Corruption:** corruption remains a significant concern in the judiciary and immigration services.<sup>241</sup> Corruption has affected all levels of government including the judiciary, security

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<sup>237</sup> International Organization for Migration, “Trafficking in Persons: Victim Identification and Assistance TRAINING GUIDE” (International Organization for Migration 2020) <<https://publications.iom.int/system/files/pdf/trafficking-in-persons-training-guide.pdf>> accessed February 15, 2022.p7

<sup>238</sup> SK Kigbu, “Challenges in Investigating and Prosecuting Trafficking in Persons’ Cases in Nigeria” (2015) 38 Journal of Law, Policy and Globalization <<https://www.iiste.org/Journals/index.php/JLPG/article/viewFile/23683/24257>> accessed February 2, 2022.

<sup>239</sup> Regina Otokpa, “U.S: Corruption in Judiciary, Immigration Fuelling Human Trafficking in Nigeria” (New Telegraph2021) <<https://www.newtelegraphng.com/u-s-corruption-in-judiciary-immigration-fueling-human-trafficking-in-nigeria/>> accessed February 7, 2022.

<sup>240</sup> Ibid

<sup>241</sup> Ibid

forces, and law enforcement – and undermines accountability for trafficking offenses. Sex trafficking reportedly occurred in government run detention centres and IDP camps.<sup>242</sup>

**4.7.4 Lack of proper victim protection and rehabilitation:** Victims of trafficking face enormous difficulties when they return to Nigeria because they have no access to services and because of social stigma.<sup>243</sup> Victims who break free of their traffickers’ control generally find themselves in a position of great insecurity and vulnerability. In addition to having suffered psychological trauma and physical injuries, victims of trafficking may have no means of subsistence, may be in an irregular migration situation, without documents and resources to return to their home countries, and may be afraid of retaliation against themselves or their families.

The 10 shelters operated by the Agency are only for women and minors and have a total capacity of only 334. Access to these facilities is the only way for victims to receive support from the Nigerian authorities, but there are no clear criteria governing access to shelters.<sup>244</sup> This criticality adds up to further problems concerning their management. In particular, a number of issues give cause for concern:

- a. There are “mixed” shelters which house not only victims of trafficking, but also victims of other forms of violence (e.g., domestic violence). This hinders the rehabilitation of victims of trafficking from being effective because they are often forced to face the stigma even in shelters, due to attitudes about their experience of forced prostitution<sup>245</sup>
- b. The length of stay in these shelters is limited to only six weeks and, according to the UN, this time is too short for victims to make a full recovery<sup>246</sup>
- c. Arbitrary detention and denial of freedom of movement of victims in shelters is another problem. Detention undermines victims’ reintegration into their communities, weakens trust in service providers and prevents victims from seeking the protection and assistance they need, so much so that they often decide to decline assistance<sup>247</sup>

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<sup>242</sup> Ibid

<sup>243</sup> Ibid

<sup>244</sup> Federica Borlizzi, “Nigeria: The Risk of Re-Trafficking and (In)Voluntary Return of Victims of Trafficking” (Sciabaca&Oruka February 22, 2021) <<https://sciabacaoruka.asgi.it/en/nigeria-the-risk-of-re-trafficking-and-involuntary-return-of-victims-of-trafficking/>> accessed February 11, 2022.

<sup>245</sup> Human Right Watch, ““You Pray for Death”” (2019) <<https://www.ecoi.net/en/file/local/2015409/nigeria0819.pdf>> accessed February 11, 2022.

<sup>246</sup> Ibid

<sup>247</sup> Ibid at 58-64

- d. With specific reference to the services offered, interviews conducted by Human Rights Watch between 2017 and 2018 show that most of the victims claim they did not receive adequate assistance neither from NAPTIP nor from IOM, in particular in the area of health needs (first of all, psychological counselling), financial support, skills acquisition programmes and employment counselling<sup>248</sup>

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**4.7.5 Lack of victim's witness protection in trial:** In the investigation and prosecution, Law enforcement agents are constrained in a whole lot of ways and one of them is gaining the cooperation of victims as witnesses can be challenging. Often, because of their distrust of police in their home countries, trafficking survivors fear, law enforcement agents are concerned that they will be treated as criminals, incarcerated or deported. In court, a victim of human trafficking is a relevant witness in a criminal trial against his/her trafficker. Apart from the fact that he/she is the relevant evidence of exploitations against the traffickers.<sup>249</sup>

**4.7.6 Lack of mechanism for exchange of information by Law enforcements:** The greatest challenge-faced by these security agencies is, the absence of a mechanism for the exchange of information. Security agencies still hoard information about trafficking and all sectors seem to be addressing the issue individually as if to prove that they are doing more than others, forgetting that being an organised and using multi-sectoral approach is the only key to success.<sup>250</sup>

**4.7.7 Lack of training of law enforcements:** Another challenge is that a lack of proper training of law enforcement or security agencies in the identification and handling of these cases,

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<sup>248</sup> Ibid at 70

<sup>249</sup> United Nations Office on Drugs and Crime, "An Introduction to Human Trafficking: Vulnerability, Impact and Action BACKGROUND PAPER" (2008) <[https://www.unodc.org/documents/human-trafficking/An\\_Introduction\\_to\\_Human\\_Trafficking\\_-\\_Background\\_Paper.pdf](https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf)> accessed February 11, 2022.

<sup>250</sup> S Kigbu and Y Hassan, "An Assessment of the Institutional Framework for Combating Human Trafficking in Nigeria" (2015) 39 <<https://www.iiste.org/Journals/index.php/JLPG/article/download/24470/25043>> accessed February 11, 2022.

coupled with the absence of supporting equipment to conduct proactive investigation and corruption.<sup>251</sup>

#### **4.8 Conclusion.**

The institutional framework for the protection of rights of victims of trafficking in person in Nigeria are string amidst the challenges bedevilling the institution. The Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 provided for victim protection mechanisms but the implementations of the act have been caught up by certain institutional constraints in enforcements. The Act made provisions for the victim welfare by creating the Victim Trust Fund and Victim Shelter Centre for the rehabilitation, restitution, and reintegration of victims of trafficking into the society managed by NAPTIP. It also afforded immunity from prosecution to victims of trafficking for any offence committed because of being trafficked. The Police and Immigration Service have not also done enough due to corruption. It is stated that a harmonised institution devoid of corruption and other challenges will go a long way in protecting the victim of trafficking in person.

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<sup>251</sup> Ibid

## **CHAPTER FIVE:**

### **SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1 Summary**

This research understands the large scale of the crime of trafficking in person and how lucrative the business can be for traffickers thereby leaving the victims in a state of hopelessness and wallowing in pains amidst other kind of psychological trauma. The victim is left in devastating condition and most times refuses to disclose to law enforcement his or her plights. The victims' rights are severely trampled upon and lacks the least protection from the institutions meant to enforce the rights. The Palermo protocol provided extensively on the protections of victims of Trafficking in Person but the Trafficking in Person (Prohibition) Enforcement and Administration Act 2015 did not adopt most of the provisions.

The clear provisions of the Trafficking in Person(Prohibition) Enforcement and Administration Act 2015 commits the Government of Nigeria to legally provide the following services to victims of trafficking in person and they include, Access to temporary/or transit shelter; Access to health and social services during shelter stay; Access to embassy/consulate and temporary residence visa, Provision of safe return home if/when the victim is ready and wishes to; Protection from traffickers and associates; Legal representation, counselling and information; Compensation through legal process; and Protection of privacy and identity.

Nigeria, despite being signatory to major international treaty on trafficking in persons (United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children), the prohibition of human trafficking is not directly addressed in the constitution. However, prohibition of trafficking in persons exist in the constitution as an ancillary right based on the provisions in Chapter IV particularly section 33 (right to life), section 34 (right to dignity of the human person), section 35 (right to personal liberty) which are enforceable under chapter IV (Fundamental Rights). Also, Nigeria has domesticated the African Charter on Human and People 's Rights and is now part of our laws. Slavery and all forms of exploitations are prohibited under the Charter and therefore a useful tool for the protection of the right to human dignity in Nigeria. This implies that the protection available in the 1999 Constitution extends also to the victims of human Trafficking. NAPTIP, in collaboration with other law enforcement agencies, is to Rescue victims or potential victims from traffickers; Provide

victim protection; Conduct criminal investigation; Make timely and necessary referral to services; Refer victims to other needed services, if any; Check validity of documents including immigration status or work permits; Inspect places of employment such as prostitution houses; Conduct raids and patrol in suspected premises of criminal activities; Assist victims throughout the legal process in line with the laws especially the 1999 Constitution of Nigeria.

The research finds that Nigeria has made provisions with respect to laws and has established institutions saddled with the responsibilities of preventing trafficking in persons in the country. However, the research finds problems in the laws and institutions established for the protection of Nigerians against human trafficking. For instance, the research finds that some of the penal provisions in the Trafficking in Persons (Prohibition) Enforcement and Administration Act are restatement of the offences in Penal and Criminal Codes Act. Again, TIP Act failed to address circumstances where a convict failed to pay fines as imposed by the court after serving prison term. NAPTIP as an institution is also too far away removed from rural communities where most of the victims of trafficking in persons are recruited

## **5.2 Recommendations**

This research offers the follow recommendations:

1. The Nigerian criminal justice policies and practices should adopt a human rights and victim-centred approach to trafficking in human beings. Nigeria should encourage police, prosecutors and judges to consider victims of trafficking as victims of a serious crime and of human rights violations, crimes and violations which should be tackled as priorities.
2. It is imperative that Nigeria establish effective mechanisms to identify victims of trafficking promptly, so that victims are not punished for offences committed by them whilst being trafficked or as a consequence of having been trafficked. Such mechanisms should foresee the prompt collection of objective elements of proof in order to help to determine whether the suspect is in fact a victim. Early identification is crucial and this should ensure that public officials who are likely to come into contact with trafficked persons, such as police officers, border guards, labour inspectors, medical personnel as well as personnel in detention centres for irregular migrants are trained to do this. This victim identification process should take cognisance of the recruitment stage of the victim.

3. Government at all levels should address the factors causing people to move in all states including poverty, conflicts, unemployment etc and government at all levels should embark on various programmes geared towards mobilizing state and non-state actors in eradicating all forms of human trafficking by reducing the exposure of potential victims and exploitation.
4. There is a need to intensify adequate protection through security intelligence on the menace and support given to the victims of human trafficking, and government should swiftly give a nod to the efficient prosecution of the criminals involved;
5. Governments at all levels must ensure that the activities of the NAPTIP receive sufficient funding for all its efforts towards a stronger protection for victims of trafficking in person. This can be done by increasing their capacity to protect victims through infrastructure in the rehabilitation camps, funds to help them effectively collaborate with NGO to foster research in their activities etc.
6. The Government of Nigeria should support NAPTIP to provide economic empowerment programs that should include income generation for survivors and their families while they are in vocational trainings or shelters, and expand technical and professional training
7. The privacy of trafficked victims should be protected. This should be done in such a way that there is a balance between the need to inform the public about the progress of a trial and the psychological effect and stigmatization that might come upon the victim of trafficking.
8. NAPTIP has done a lot to rehabilitate traffic victims and reintegrate them into society. However, the time limit for a victim to stay in any of the care centres is only for a period of 6(six) weeks. Six weeks is not often enough for a traumatized victim to recover from the trauma of trafficking or be stabilized to face the world again. It is recommended that the time frame be extended to ensure full and total recovery and ensure the protection of rights of the victim.
9. Enlightenment of citizens about the realities of human trafficking, the acts constituting human trafficking offence and sanctions envisaged against violators. This should include public education and awareness to the effect that human trafficking can happen to anybody and as such, victims of human trafficking should be lauded as heroes and not stigmatized. Also, spreading awareness within the society to ensure attitudinal change to discourage human trafficking and encourage rehabilitation and repatriation of victims, thus, activities such as community theatre performances on human

trafficking issues will prove useful in the sensitisation of the community. It is equally important to educate potential victims and their families. Parents be educated to improve the supervision of their children; carefully planned programmes would also help to address the issues of child trafficking.

10. The various security agencies and government institutions (Nigerian Police Force, Nigeria Immigration Service, Nigeria Customs Service, and the Ministries of Labour and that of Interior) should be fully integrated anti-trafficking functions and ensure they identify and protect victims of Human trafficking.
11. Religious and community leaders can help in the healing and reintegration process of victims of human trafficking. They can help welcome back “the lost sheep into the fold” and care for the wounds of this sheep through counselling and prayers.
12. Business organisations should be encouraged to include human trafficking as part of their corporate social responsibility. This might be done by creating a quota for the employment of a victim of human trafficking as a staff of the organization. Alternatively, business organization can provide scholarships for the education of these victims to make them useful to themselves and the society at large.
13. From the definition of what amounts to trafficking, the research understands that principal law in Nigeria for the prohibition of persons engaged in trafficking in person and subsequent protection of victims, the definition of the office of Trafficking in Person did not take the cognisance of removal of organs. This should be included in our laws.
14. Nigeria should develop and provide resources for community-based rehabilitation and reintegration programs for survivors of trafficking. Rehabilitative services should be both individual and collective and should provide free, quality, comprehensive, and survivor-cantered rehabilitative health services for survivors of trafficking that address long-term physical and mental health needs of survivors through medical treatment, including gynaecological care, HIV testing and treatment, and voluntary counselling and other mental health services. Recognize impediments to accessing such services for marginalized groups, particularly women and girls living in rural areas or living with a disability, and other barriers to care such as stigma and low levels of knowledge about mental health; ensure that measures are in place to reach these victims and provide rehabilitative services to them. Provide special support for child survivors. Ensure outreach to and participation by a wide range of civil society groups, including those working with survivors at all levels of design, implementation, and monitoring. Provide

financial support to NGOs with a successful track record of providing rights-respecting services to trafficking survivors and such services for survivor's address factors that made them vulnerable to trafficking, such as family violence, neglect, and abandonment, or lack of education and poverty; and include measures to prevent and assist women survivors who experience discrimination and abuse as a consequence of trafficking.

### **5.3 Conclusion**

Human trafficking is a crime that goes beyond geographical, social-cultural and religious barriers. It is destroying the lives of millions of people particularly for women and children in various communities in Nigeria, while generating millions of Naira/Dollars in profits for human traffickers and exploiters. These people trafficked and exploited are left bruised and crushed by the effect of this crime on them. Their rights are flagrantly violated and they lack the proper protection of the law. As a country of origin, transit and destination, there is usually the outflow and inflow of trafficked victims, most especially through Nigeria's porous borders, which facilitates easy access for traffickers to operate without being caught by the law enforcement agents. Therefore, stakeholders at the international, regional and national levels have recognized the importance of a comprehensive legal framework as a first step towards combating trafficking, and Nigeria in recognition is not an exception with the law creating NAPTIP and subsequent laws in line with international and regional legal framework. Nigeria also has several international and regional instruments, as well as bilateral agreements that adequately cover the issue of human trafficking and forced labour. There is no better time than now to protect the victim/survivors of Human Trafficking by incorporating all the recommendations above.